



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Jammu, Thu., the 21st August, 2014/30th Srav., 1936. [No. 21-25

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PART I-B

Jammu and Kashmir Government—Notifications.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE
AND PARLIAMENTARY AFFAIRS**

Notification

Srinagar, the 21st of August, 2014.

Whereas, the Government of Jammu and Kashmir intends to appoint Notaries under section 3 of the Notaries Act, 1952 for various territorial jurisdiction;

Whereas, the following candidate has qualified in the interviews for appointment as Notary and the Competent Authority has accepted the

application of the said candidate for his appointment as Notary for the territorial jurisdictions of District Court, Bhaderwah :-

S. No.	Name	Parentage	Residence
1.	Mohd. Hafiz Zargar	Gh. Ah. Zargar	Bhaderwah

Now, therefore, in pursuance of rule 6 of the Notaries Rules, 1956, the name(s) of the said applicant is hereby published in the Government Gazette. Any person interested in filing objections to the appointment of the said applicant as Notary may submit the same to the Competent Authority within 14 days from the date of publication of this notice in the Government Gazette.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,
Department of Law, Justice and Parliamentary Affairs
(Competent Authority under the Notaries Act, 1952).



THE JAMMU & KASHMIR GOVERNMENT GAZETTE

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PART I-B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE
AND PARLIAMENTARY AFFAIRS

Notification

Srinagar, the 21st of August, 2014.

Whereas, the Government of Jammu and Kashmir intends to appoint Notaries under section 3 of the Notaries Act, 1952 for various territorial jurisdiction :

Whereas, the following candidate has qualified in the interviews for appointment as Notary and the Competent Authority has accepted the

application of the said candidate for his appointment as Notary for the territorial jurisdictions of District Court, Doda :

S. No.	Name	Parentage	Residence
1.	Javeed Iqbal Mintu	Mohd. Abdullah Mintu	Doda

Now, therefore, in pursuance of rule 6 of the Notaries Rules, 1956, the name(s) of the said applicant is hereby published in the Government Gazette. Any person interested in filing objections to the appointment of the said applicant as Notary may submit the same to the Competent Authority within 14 days from the date of publication of this notice in the Government Gazette.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government.
Department of Law, Justice and Parliamentary Affairs
(Competent Authority under the Notaries Act, 1952).



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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PART I-B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE
AND PARLIAMENTARY AFFAIRS

Notification

Srinagar, the 21st of August, 2014.

Whereas, the Government of Jammu and Kashmir intends to appoint Notaries under section 3 of the Notaries Act, 1952 for various territorial jurisdiction ;

Whereas, the following candidates have qualified in the interviews for appointment as Notary and the Competent Authority has accepted the

applications of the said candidates for their appointment as Notary for the territorial jurisdictions of District Court, Samba :—

S. No.	Name	Parentage	Residence
1.	Vijay Kumar	Parshotam Lal	Bari Brhamana Samba
2.	Sandeep Singh	Swaran Singh Sambyal	Mandi, Samba
3.	Laj Ram	Mangu Ram	Gorha Salathian, Samba

Now, therefore, in pursuance of rule 6 of the Notaries Rules, 1956, the name(s) of the said applicants is hereby published in the Government Gazette. Any person interested in filing objections to the appointment of the said applicants as Notary may submit the same to the Competent Authority within 14 days from the date of publication of this notice in the Government Gazette.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,
Department of Law, Justice and Parliamentary Affairs
(Competent Authority under the Notaries Act, 1952).



**THE
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PART I-B

Jammu and Kashmir Government—Notifications.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT-- DEPARTMENT OF LAW, JUSTICE
AND PARLIAMENTARY AFFAIRS**

Notification

Srinagar, the 21st of August, 2014.

Whereas, the Government of Jammu and Kashmir intends to appoint Notaries under section 3 of the Notaries Act, 1952 for various territorial jurisdiction;

Whereas, the following candidate has qualified in the interviews for appointment as Notary and the Competent Authority has accepted the

application of the said candidate for his appointment as Notary for the territorial jurisdictions of District Court, Ramban : —

S. No.	Name	Parentage	Residence
1.	Khajoor Singh	Shanker Singh	Bhinal, Ramban

Now, therefore, in pursuance of rule 6 of the Notaries Rules, 1956, the name(s) of the said applicant is hereby published in the Government Gazette. Any person interested in filing objections to the appointment of the said applicant as Notary may submit the same to the Competent Authority within 14 days from the date of publication of this notice in the Government Gazette.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,
Department of Law, Justice and Parliamentary Affairs
(Competent Authority under the Notaries Act, 1952).



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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PART I-B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE
AND PARLIAMENTARY AFFAIRS

Notification

Srinagar, the 21st of August, 2014.

Whereas, the Government of Jammu and Kashmir intends to appoint Notaries under section 3 of the Notaries Act, 1952 for various territorial jurisdiction;

Whereas, the following candidates have qualified in the interviews for appointment as Notary and the Competent Authority has accepted the

applications of the said candidates for their appointment as Notary for the territorial jurisdictions of District Court, Rajouri : -

S. No.	Name	Parentage	Residence
1.	Khaliq Hussain	Mohd. Quasim	Rajouri
2.	Vivek Gupta	R. N. Gupta	Main Bazar, Rajouri
3.	Bindu Khajuria	Inderjeet Sharma	Rajouri
4.	Juneeed Hussain	Ab. Aziz	Badhoon, Rajouri

Now, therefore, in pursuance of rule 6 of the Notaries Rules, 1956, the name(s) of the said applicants are hereby published in the Government Gazette. Any person interested in filing objections to the appointment of the said applicants as Notary may submit the same to the Competent Authority within 14 days from the date of publication of this notice in the Government Gazette.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,
Department of Law, Justice and Parliamentary Affairs
(Competent Authority under the Notaries Act, 1952).



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PART I-B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS

Notification

Srinagar, the 21st of August, 2014.

Whereas, the Government of Jammu and Kashmir intends to appoint Notaries under section 3 of the Notaries Act, 1952 for various territorial jurisdiction;

Whereas, the following candidates have qualified in the interviews for appointment as Notary and the Competent Authority has accepted the

applications of the said candidates for their appointment as Notary for the territorial jurisdictions of District Court, Poonch :—

S. No.	Name	Parentage	Residence
1.	Ali Sheyed Beigh	Fareed Beigh	Poonch
2.	Showkat Ah.	Munish Khan	Poonch
3.	Mumtaz Hussain	Shabeer Hussain	Surankote, Poonch
4.	Yasir Sarfraz Khan	Sarfraz Khan	Poonch

Now, therefore, in pursuance of rule 6 of the Notaries Rules, 1956, the name(s) of the said applicants are hereby published in the Government Gazette. Any person interested in filing objections to the appointment of the said applicants as Notary may submit the same to the Competent Authority within 14 days from the date of publication of this notice in the Government Gazette.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,
Department of Law, Justice and Parliamentary Affairs,
(Competent Authority under the Notaries Act, 1952).



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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PART I-B

Jammu and Kashmir Government—Notifications.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE
AND PARLIAMENTARY AFFAIRS**

Notification

Srinagar, the 21st of August, 2014.

Whereas, the Government of Jammu and Kashmir intends to appoint Notaries under section 3 of the Notaries Act, 1952 for various territorial jurisdiction;

Whereas, the following candidates have qualified in the interviews for appointment as Notary and the Competent Authority has accepted the

2. The J&K Govt. Gazette, 14th Aug. 2014, 30th Sep. 2015. (No. 2131)
 applications of the said candidates for their appointment as Notary for the
 territorial jurisdictions of District Court, Udhampur. —

S. No.	Name	Parentage	Residence
1.	Anil Kumar	Darshan Kumar	Udhampur
2.	Ashish Gupta	Ved Prakash Gupta	Udhampur
3.	Sunil Kumar	Durga Das	Jatarketi Udhampur

Now, therefore, in pursuance of rule 6 of the Notaries Rules, 1956, the names of the said applicants are hereby published in the Government Gazette. Any person interested in filing objections to the appointment of the said applicants as Notary may submit the same to the Competent Authority within 14 days from the date of publication of this notice in the Government Gazette.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,
 Department of Law, Justice and Parliamentary Affairs,
 (Competent Authority under the Notaries Act, 1952).



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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PART I-B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE
AND PARLIAMENTARY AFFAIRS

Notification

Srinagar, the 21st of August, 2014.

Whereas, the Government of Jammu and Kashmir intends to appoint Notaries under section 3 of the Notaries Act, 1952 for various territorial jurisdiction :

Whereas, the following candidate has qualified in the interview for appointment as Notary and the Competent Authority has accepted the

application of the said candidates for his appointment as Notary for the territorial jurisdiction of District Court, Reasi : --

S. No.	Name	Parentage	Residence
1.	Mohd. Sarvar Mir	Mohd. Sadiq Mir	Morh, Reasi

Now, therefore, in pursuance of rule 6 of the Notaries Rules, 1956, the name(s) of the said applicant is hereby published in the Government Gazette. Any person interested in filing objections to the appointment of the said applicant as Notary may submit the same to the Competent Authority within 14 days from the date of publication of this notice in the Government Gazette.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,
Department of Law, Justice and Parliamentary Affairs
(Competent Authority under the Notaries Act, 1952).



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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PART I-B

Jammu and Kashmir Government—Notifications.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE
AND PARLIAMENTARY AFFAIRS**

Notification

Srinagar, the 21st of August, 2014.

Whereas, the Government of Jammu and Kashmir intends to appoint Notaries under section 3 of the Notaries Act, 1952 for various territorial jurisdiction ;

Whereas, the following candidates have qualified in the interviews for appointment as Notary and the Competent Authority has accepted the

applications of the said candidates for their appointment as Notary for the territorial jurisdictions of District Court, Kathua :-

S. No.	Name	Parentage	Residence
1.	Devinder Kumar	Om Prakash	Krishan Colony, Kathua
2.	Prem Singh Andothra	Seva Singh	Nagri, Kathua
3.	Miss Sumit Jasrotia	Ranjit Singh	Barwal, Kathua

Now, therefore, in pursuance of rule 6 of the Notaries Rules, 1956, the name(s) of the said applicants are hereby published in the Government Gazette. Any person interested in filing objections to the appointment of the said applicants as Notary may submit the same to the Competent Authority within 14 days from the date of publication of this notice in the Government Gazette.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,
Department of Law, Justice and Parliamentary Affairs,
(Competent Authority under the Notaries Act, 1952).



THE JAMMU & KASHMIR GOVERNMENT GAZETTE

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PART I-B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE
AND PARLIAMENTARY AFFAIRS

Notification

Srinagar, the 21st of August, 2014.

Whereas, the Government of Jammu and Kashmir intends to appoint Notaries under section 3 of the Notaries Act, 1952 for various territorial jurisdiction;

Whereas, the following candidates have qualified in the interviews for appointment as Notary and the Competent Authority has accepted the

applications of the said candidates for their appointment as Notary for the territorial jurisdictions of District Court, Kathua :-

S. No.	Name	Parentage	Residence
1.	Devinder Kumar	Om Prakash	Krishan Colony, Kathua
2.	Prem Singh Andothra	Seva Singh	Nagri, Kathua
3.	Miss Sumit Jasrotia	Ranjit Singh	Barwal, Kathua

Now, therefore, in pursuance of rule 6 of the Notaries Rules, 1956, the name(s) of the said applicants are hereby published in the Government Gazette. Any person interested in filing objections to the appointment of the said applicants as Notary may submit the same to the Competent Authority within 14 days from the date of publication of this notice in the Government Gazette.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,
Department of Law, Justice and Parliamentary Affairs,
(Competent Authority under the Notaries Act, 1952).

PART I—B

Jammu and Kashmir Government—Notifications.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT**

Notification

Srinagar, the 5th August, 2014.

SRO-236—In exercise of the powers conferred by section 10 of the Jammu and Kashmir Passengers Taxation Act, 1963, the Government hereby exempt from payment of passenger tax, leviable under the said act, the vehicle bearing registration No. JK02AP-5245 (Winger Tata) purchased by "Jammu Red Cross Home for Handicapped, Udeywala, Jammu, for physicall challended children to carry them free of cost to their school.

Provided that the Secretary Red Cross Home for Handicapped, Jammu certifies that the said vehicle is exclusively meant for the aforesaid purpose only.

By order of the Government of Jammu and Kashmir.

(Sd.) B. B. VYAS,

Principal Secretary to Government,
Finance Department.



THE JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 127] Jammu, Sat., the 20th Sept., 2014/29th Bhad., 1936. [No. 25-a

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PART I—B

Jammu and Kashmir Government—Notifications.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT**

Notification

Srinagar, the 20th September, 2014.

SRO-380.—In exercise of the powers conferred by sub-section (2) of section 3 of the Jammu and Kashmir Entry Tax on Goods Act, 2000, the Government hereby exempts the goods to be imported into the State for relief and rehabilitation of the flood victims from the levy of entry tax. The

exemption shall, however, be available only for a limited duration viz. from 8th September, 2014 to 30th September, 2014 :

Provided that the goods so imported are accompanied with the certificate from either of the following competent authorities to the effect that these are exclusively meant for free distribution among the flood affected persons :—

- (i) Principal Resident Commissioner, J&K Government, New Delhi ;
- (ii) Deputy Commissioner of the concerned district ;
- (iii) Any other authority to be notified by Commissioner, Commercial Taxes.

By order of the Government of Jammu and Kashmir.

(Sd.) B. B. VYAS, IAS,

Principal Secretary to Government,
Finance Department.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Jammu, Sat., the 20th Sept., 2014/29th Bhad., 1936. [No. 25-e

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PART I—B

Jammu and Kashmir Government—Notifications.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT**

Notification

Srinagar, the 20th September, 2014.

SRO-384.—In exercise of the powers conferred by section 5 of the Jammu and Kashmir Levy of Tolls Act, Svt. 1995 (Act No.VIII of 1995), the Government hereby exempts the material and equipments to be imported by the Public Works (R&B) Department into the State meant for immediate

restoration/repairs and reconstruction of the damaged infrastructure caused by the recent floods from levy of toll.

The exemption shall, however, be available only for a limited duration viz. from 8th September, 2014 to 30th September, 2014 :

Provided that the goods so imported are accompanied with the certificate from either of the following competent authorities to the effect that these are exclusively meant for immediate restoration/repairs and reconstruction of the damaged infrastructure :—

- (1) Principal Resident Commissioner, J&K Government, New Delhi ;
- (2) Commissioner/Secretary, PW(R&B) Department/Chief Engineer, PW(R&B) of the concerned division ;
- (3) Any other authority to be notified by Excise Commissioner, J&K.

By order of the Government of Jammu and Kashmir.

(Sd.) B. B. VYAS, IAS,

Principal Secretary to Government,
Finance Department.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Jammu, Sat., the 20th Sept., 2014/29th Bhad., 1936. [No. 25-h

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PART I—B

Jammu and Kashmir Government—Notifications.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT**

Notification

Srinagar, the 20th September, 2014.

SRO-387.—In exercise of the powers conferred by sub-section (2) of section 3 of the Jammu and Kashmir Entry Tax on Goods Act, 2000, the Government hereby exempts the material and equipments to be imported

by the Power Development Department into the State for immediate restoration of the power supply damaged due to the recent floods from levy of entry tax.

The exemption shall, however, be available only for a limited duration viz. from 8th September, 2014 to 30th September, 2014 :

Provided that the goods so imported are accompanied with the certificate from either of the following competent authorities to the effect that these are exclusively meant for immediate restoration of the power supply :—

1. Principal Resident Commissioner, J&K Government, New Delhi.
2. Principal Secretary to Government, Power Development Department/Development Commissioner, Power, J&K.
3. Any other authority to be notified by Commissioner, Commercial Taxes, J&K.

By order of the Government of Jammu and Kashmir.

(Sd.) B. B. VYAS, IAS,

Principal Secretary to Government,
Finance Department.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Jammu, Thu., the 25th Sept., 2014/3rd Asv., 1936. [No. 26-a

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PART I—B

Jammu and Kashmir Government—Notifications.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT**

Notification

Srinagar, the 25th September, 2014.

SRO-389.—In exercise of the powers conferred by sub-section (2) of section 3 of the Jammu and Kashmir Entry Tax on Goods Act, 2000 and in partial modification of the Notification SRO-380 dated 20th September, 2014, the Government hereby direct that after the proviso

to said notification, the following proviso shall be deemed to have been added w. e. f. the date of issuance of the notification viz. 20th September, 2014, namely :—

“Provided further that the goods being sent or received by any Non-Governmental Organization(s)/Institution(s)/Individual(s) shall also be exempted from the levy of entry tax on the submission of the certificate by such Non-Governmental Organization(s)/Institution(s) to the effect that the goods are meant purely for relief and rehabilitation of the persons and the families affected by the unprecedented floods in J&K. However, in case of individual(s) sending the relief material, the said certificate should expressly mention the name of the identified consignee receiving such goods”.

By order of the Government of Jammu and Kashmir.

(Sd.) B. B. VYAS, IAS,

Principal Secretary to Government,
Finance Department.



THE JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 127] Jammu, Thu., the 25th Sept., 2014/3rd Asv., 1936. [No. 26-b

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PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT

Notification

Srinagar, the 25th September, 2014.

SRO-390.—In exercise of the powers conferred by section 5 of the Jammu and Kashmir Levy of Tolls Act, Smvt. 1995 (Act No. VIII of 1995) and in partial modification of the Notification SRO-381 dated 20th September, 2014, the Government hereby direct that after the proviso

to said notification, the following proviso shall be deemed to have been added w. e. f. the date of issuance of the notification viz. 20th September, 2014, namely :—

“Provided further that the goods being sent or received by any Non-Governmental Organization(s)/Institution(s)/Individual(s) shall also be exempted from the levy of Toll on the submission of the certificate by such Non-Governmental Organization(s)/Institution(s) to the effect that the goods are meant purely for relief and rehabilitation of the persons and the families affected by the unprecedented floods in J&K. However, in case of individual(s) sending the relief material, the said certificate should expressly mention the name of the identified consignee receiving such goods”.

By order of the Government of Jammu and Kashmir.

(Sd.) B. B. VYAS, IAS,

Principal Secretary to Government,
Finance Department.

PART I—B

Jammu and Kashmir Government—Notifications.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—REVENUE DEPARTMENT**

Notification

Srinagar, the 14th October, 2014.

SRO-407.—In exercise of the powers conferred by sub-rule (1) of rule-14 read with rule 18 of the Jammu and Kashmir Lambardari Rules, 1980, the Government hereby appoint the Deputy Commissioner, Kupwara, Shri Itrat Hussain Rafiqi, (KAS), as the Returning Officer for the purpose of holding the election of Lambardar of village Bicherwari, Tehsil Handwara of District Kupwara.

By order of the Government of Jammu and Kashmir.

(Sd.) VINOD KAUL, IAS,

Commissioner/Secretary to Government,
Revenue Department.

EXTRAORDINARY

REGD. NO. JK—33

PART I—B

Jammu and Kashmir Government—Notifications.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT**

Notification

Srinagar, the 14th October, 2014.

SRO-408.—In exercise of the powers conferred by sub-section (2) of section 3 of the Jammu and Kashmir Entry Tax on Goods Act, 2000, the Government hereby direct that in notification SRO-380 dated 20-09-2014 read with notification SRO-389 of 2014 and Notification SRO-393 of 2014, for the words and figures “10th October, 2014”, the words and figures “17th October, 2014” shall be substituted.

By order of the Government of Jammu and Kashmir.

(Sd.) B. B. VYAS, IAS,

Principal Secretary to Government,
Finance Department.



THE JAMMU & KASHMIR GOVERNMENT GAZETTE

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PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE
AND PARLIAMENTARY AFFAIRS
(Power Section)

Notification

Srinagar, the 17th of October, 2014.

SRO-418.—In exercise of powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, Samvat 1989, the Government hereby appoint the officers mentioned in the Annexure “A” to this

notification to be the Executive Magistrates of the First Class who shall exercise all the powers of an Executive Magistrate of the First Class within their respective territorial jurisdictions of respective districts.

By order of the Government of Jammu and Kashmir.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,
Department of Law, Justice and
Parliamentary Affairs.

Annexure to Notification SRO-418 dated 17-10-2014.

S. No.	Name of the Officer	Area of jurisdiction (Tehsil)
1	2	3
1.	Rattan Singh, Tehsildar	Balakote, Poonch
2.	Amit Kumar, Tehsildar	Pargwal
3.	Gopal Singh, Tehsildar	Jammu, North
4.	Zahir Rana (ST), I/c Tehsildar	Khwas, Rajouri
5.	Farooq Ahmad, Tehsildar	Bhalwal, Jammu
6.	Ram Krishan (RBA), Look After Tehsildar	Khari, Distt. Ramban
7.	Narinder Singh, Tehsildar	Tiryath, Rajouri
8.	Balak Ram (SC), I/c Tehsildar	Dinga Amb, District Kathua
9.	Nisar Ahmad Shad, Tehsildar	Suchetgarh, Distt. Jammu
10.	Babu Ram, Look After Tehsildar	Nagrota, District Jammu
11.	Mohd. Farooq Malik, Tehsildar	Jammu West
12.	Ram Paul, I/c Tehsildar	Arnia, Jammu
13.	Romesh Chander-IV (SC), I/c Tehsildar	Maira Mandrian, Distt. Jammu
14.	Vijay Kumar Sharma, I/c Tehsildar	Jourian, Distt. Jammu
15.	Amit Kumar Verma, I/c Tehsildar	Kharaballi, Distt. Jammu
16.	Raju (SC), Look After Tehsildar	Moungri, District Udhampur

1	2	3
17.	Din Mohammad, Tehsildar	Mandal, Jammu
18.	Sudesh Kumar (ST) Look After Tehsildar	Basohli
19.	Ramesh Kumar I/c Tehsildar	Marh, Jammu
20.	Ram Paul (ALC), I/c Tehsildar	Chowki Choura, Jammu
21.	Sohan Lal Rana (SC) Look After Tehsildar	Jammu, South
22.	Pramod Kumar (SC), I/c Tehsildar	Khour, Jammu
23.	Raman Sharma, Tehsildar	Nazool, Jammu
24.	Rajinder Singh, I/c Tehsildar	Qilla Darhal, Laroka, Rajouri
25.	Romesh Singh, I/c Tehsildar	Panchari, Udhampur
26.	Jhangir Hussain (ALC/HC), Look After Tehsildar	Chilli Pingal, Doda
27.	Bilal Ahmed Najar, Tehsildar	Wadwan, Kishtwar
28.	Viney Khosla, Tehsildar	Dansal, Jammu
29.	Mohd. Majeed (ST), I/c Tehsildar	Bari Brahamana, Samba
30.	Tarseem Lal, I/c Tehsildar	Vijaypur, District Samba
31.	Pankaj Sharma, I/c Tehsildar	Ghagwal, Samba
32.	Kunal Sharma, Tehsildar	Ramgarh, Samba
33.	Shello Ram, I/c Tehsildar	Rajpura, Samba
34.	Manzoor Hussian Malik, I/c Tehsildar	Marheen, District Kathua

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35.	Mohit Gupta, I/c Tehsildar	Lohai Malhar, Kathua
36.	Shabir Ahmed (OSC), Look After Tehsildar	Ramkote, Kathua
37.	Kapil Kant Khajuria, I/c Tehsildar	Nagri Parole, Kathua
38.	Jai Singh (ST), Look After Tehsildar	Mahanpur, Kathua
39.	Raman Kumar Chalotra (OSC), Look After Tehsildar	Sankoo
40.	Ram Lal, Tehsildar	Katra
41.	Munshi Ram, I/c Tehsildar	Pouni, District Reasi
42.	Majid Choudhary, Look After Tehsildar	Arnas, District Reasi
43.	Hakam Shah (RBA), I/c Tehsildar	Chassana, Reasi
44.	Akbar Hussain (ST), Look After Tehsildar	Thakrakote
45.	Sunit Singh (SC), I/c Tehsildar	Thuroo (Darmari), Reasi
46.	Hem Raj, I/c Tehsildar	Bhomag, Reasi
47.	Madan Lal-I, I/c Tehsildar	Beri Pattan, Rajouri
48.	Iqbal Singh, Tehsildar	Siot Raiouri
49.	Anil Magotra, Tehsildar	Manjakote
50.	Ab. Qayoom, I/c Tehsildar	Rajouri
51.	Gourav Sharma, I/c Tehsildar	Taisuru, Distt. Kargil
52.	Srinath Suman, Tehsildar	Batote

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53.	Shiv Kumar (ST), I/c Tehsildar	Dudu Basantgarh, Udhampur
54.	Sushil Kumar (Sc. Caste), I/c Tehsildar	Latti Marothi, Udhampur
55.	Shahzad Latief Khan (ALC), I/c Tehsildar	Mankote, Distt. Poonch
56.	Mohd Bashir, I/c Tehsildar	Bahu
57.	Farooq Hussain (RBA), Look After Tehsildar	Pogal Paristan, Ramban
58.	Basher-ul-Hassan, I/c Tehsildar	Gool
59.	Suman Ji (RBA), Look After Tehsildar	Rajgarh, Distt. Ramban
60.	Mohd. Amin Dar, Tehsildar	Qazigund, Anantnag
61.	Murataza Rashid, Tehsildar	Sallar, District Anantnag
62.	Sajad Ahmad Wani, Look After Tehsildar	Larnoo
63.	Nazia Hassan, Tehsildar	Srigufwara, Anantnag
64.	Ab. Rashid Dar, I/c Tehsildar	Mattan
65.	Riyaz Ahmad, Tehsildar	Shahbad Bala, Anantnag
66.	Parveez Ah. Shah, Tehsildar	Khoi, Baramulla
67.	Suhaib Ahmad Wani, Tehsildar	Gund, Ganderbal
68.	Shoaib Ahmad, Tehsildar	Kunzer, Baramulla
69.	Javid Ahmad Sheikh, I/c Tehsildar	Dangerpora
70.	Bashir-ul-Haq, Tehsildar	Kawarhama, Baramulla

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71.	Tariq Ahmad Sheikh, Look After Tehsildar	Wagoora, Distt. Baramulla
72.	Ghulam Din Dar, I/c Tehsildar	Watergam
73.	Johar Ali, Tehsildar	Zainageer, Baramulla
74.	Manzoor Ahmad Bhat, I/c Tehsildar	Kralpora
75.	Ab. Rashid Parray, Tehsildar	Keran
76.	Abrar Anayat, I/c Tehsildar	Kralgund, Kupwara
77.	Ajaz Ahmad Khuroo (RBA), Look After Tehsildar	Trehgam, Kupwara
78.	Ashak Hussain Wani (SC), Look After Tehsildar	Ramhal
79.	Fida Mohd. Bhat, Look After Tehsildar	Lalpora, Kupwara
80.	Gh. Mohd. Dar I/c Tehsildar	Eid-Gah, Srinagar
81.	Syed Shahid Hussain (RBA), Look After Tehsildar	Langate, Kupwara
82.	Mohd, Maqbool Ahangar, Tehsildar	Dragmulla, Kupwara
83.	Basher Ah. Bhat, Tehsildar	Zachaldara
84.	Sajad Rasool Shah, I/c Tehsildar	Dangiwacha
85.	Zahid Gani Wani, Look After Tehsildar	Machil, Kupwara
86.	Altaf Ahmad, Tehsildar	Chanapora/Natipora

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87.	Irshad Ahmad Budoo, Look After Tehsildar	Aloosa, Distt. Bandipora
88.	Farooq Ahmad Dar (RBA), Look After Tehsildar	Magam, Budgam
89.	Mir Latafat Qadir Shawal, Look After Tehsildar	Kellar, Shopian
90.	Nusrat, Tehsildar	B. K. Pora, Distt. Budgam
91.	Mohd. Ramzan Hajam, Tehsildar	Ajas, District Bandipora
92.	Gh. Nabi Wani, Tehsildar	Hajin, Bandipora
93.	Ab. Khaliq Najar, Tehsildar	Narbal, Distt. Budgam
94.	Syed Sarwar, I/c Tehsildar	Tulail, Bandipora
95.	Showket Hussain Rather (RBA), Look After Tehsildar	Pahloo, Kulgam
96.	Muzaffar Ahmad Malik, Tehsildar	Qaimoh, Distt. Kulgam
97.	Rashid Ahmad Ganie, I/c Tehsildar	Frisal, Kulgam
98.	Abid Gani Wani, Look After Tehsildar	Yaripora, Kulgam
99.	Ab. Rashid Malik, Tehsildar	Keegam, Shopian
100.	Shakil Ahmad Ganie, Look After Tehsildar	Zainapora, Shopian
101.	Saqib Salem, Look After Tehsildar	Herman, Shopian
102.	Mohd. Najiullah, Look After Tehsildar	Chitragam, Shopian

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103.	Sahibzada Niaz Ahmed Bhat, Look After Tehsildar	Barbugh Imam Sahib, Shopian
104.	Muneer Hussain Khan, Look After Tehsildar	Lolab, Sogam
105.	Imran Ahmad Bhat, I/c Tehsildar	Khanyar, Srinagar
106.	Ab. Aziz Wani, I/c Tehsildar	Shalteng, Srinagar
107.	Yunus Ahmad, I/c Tehsildar	Pantha Chowk, Srinagar
108.	Towfeeq Ahmad Gazi, Tehsildar	Nazool, Srinagar
109.	Gh. Rasool Bhat, Tehsildar	Aripal, Pulwama
110.	Gh. Mohd. Malik, I/c Tehsildar	Rajpora, Pulwama
111.	Rabia Yousuf Rather, Tehsildar	Tulmula, Khirbhawani
112.	Nisar Ahmad (RBA), Look After Tehsildar	Karnah
113.	Abdul Wasee-ul-Rouf, Look After Tehsildar	Wakoora
114.	Mohd. Sharief, Tehsildar	Shergole, Kargil
115.	Tanveer Ahmad (ST), Look After Tehsildar	Shaker Chiktan, Kargil
116.	Rahul Ji Basotra (RBA), Look After Tehsildar	Drass, Kargil
117.	Subash Kumar (SC), Look After Tehsildar	Nyoma, Leh
118.	Sonam Durjay, Tehsildar	Sespol

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119.	Lekh Raj (SC). Look After Tehsildar	Durbuk
120.	Mohd. Shabir (ST), Look After Tehsildar	Diskit
121.	Harjeet Singh (ALC), Look After Tehsildar	Sumoor, Leh
122.	Sajjad Hussain (ST), Look After Tehsildar	Kharu, Leh



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Srinagar, Mon., the 21st July, 2014/30th Asad., 1936. [No.16-2

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART II-B

Notifications, Notices and Orders by the Heads of the Departments.

**GOVERNMENT OF JAMMU AND KASHMIR,
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
SRINAGAR/JAMMU.**

File No. 773/LC.

Date of institution 12-04-2004.

Date of Award : 09-06-2014.

1. Gouri Shankar
2. Mohan Lal

Versus 1. Chief Executive Officer,
M/s Dujodwala Resins and

3. Bodh Raj	Terpenes Ltd., Bari Brahmana, Jammu.
4. Romesh Lal	
5. Charan Dass	2. Chaman Lal, Labour
6. Karnail Singh Resin Melting Workers, C/o B. M. S. Office, Parade, Jammu.	Contractor of M/s Dujodwala Resins and Terpenes Ltd., Bari Brahamana, Jammu.
Patitioners	Respondents

Award

1. The State of Jammu and Kashmir, through Labour and Employment Department, Civil Secretariat, vide reference/(SRO) No. 212 dated 30th June of 2003, on being satisfied over the existence of a dispute between the parties, under the Industrial Dispute Act, 1947 has referred the present dispute for adjudication on the following terms of the reference :-

- (a) Legality or otherwise of the action of the Chief Executive Officer, Dujodwala Resins and Terpenes Ltd., Bari Brahmana, Jammu in terminating the services of its workers 1. Shri Gouri Shanker, 2. Mohan Lal, 3. Bodh Raj, 4. Romesh Lal, 5. Charan Dass and 6. Karnail Singh.
- (b) Award appropriate relief to the said workers in case the illegality of the said Chief Executive Officer, Dujodwala is established.

2. Thereafter notice was issued to both the parties who caused their appearance and filed their respective claims. As per statement of claim of the petitioners, they were in the employment of respondents/employers for the posts of Resin Melting Workers since i. e. (Mohan Lal and Gouri Shankar) from 1980 whereas Bodh Raj, Romesh Lal and Charan Dass since 1982, and Karnail Singh since 1983 at a monthly salary of Rs. 2600/-.

3. The applicants used to do the work of opening of tins, sorting of resin as per colour, impurities and melting it. The payment was on piece

rated basis, per tin on different rates and on different intervals since 01-01-1990 to 28-08-2000. The work was of permanent nature being connected with the production of the factory as the principal employer used to supervise the work through their staff viz. Chief Executive and Supervisor.

4. That since joining of their duties as mentioned above, petitioners remained in employment up to 28-08-2000 continuously. The respondent No. 2 was deducting Rs. 200/- from our wages per month w. e. f. Jan., 1990 till 28-08-2000 with the assurance that this amount will be refunded at the time of their leaving the job. The services of the petitioners were terminated on 28-08-2000.

5. That the respondents did not allow us to work and terminated our services on 28-08-2000 without assigning any reason and also refused to pay our deducted amount of wages, for which the respondent made number of subscriptions during the service period i. e. w. e. f. 01-01-1990 to 28-08-2000 and the deposits are lying with the respondent and payable by the respondents/employers to them.

6. Respondents filed their objections *inter alia* averring that the Raw Resin is melted first before processing it.

7. That the job of melting Raw Resin was got executed through contractors who were being paid according to the number of resin tins melted.

8. That the work of resin melting was dependent on the availability of Raw Resin, which was always in short supply. The Raw Resin was a scarce commodity. After processing it by the Jammu and Kashmir Industries Limited the resin products, if any surplus, shall be sold by it to the small scale units in the State in such manner as may be provided for, and at such price as may be fixed by the Jammu and Kashmir Industries Limited in consultation with the Government.

9. That Respondent No. 1 has set up its unit at Bari Barahmana, Jammu on account of the availability of the raw material i. e. Resin, at that time.

10. By an enactment, raw resin was completely stopped and only its derivatives were made available through the JKI and that too to small scale units only.

11. In the year 1988 the Government Act, VII of 1986 was repealed and the Jammu and Kashmir State Legislative enacted Jammu and Kashmir Extraction of Resin Act, 1988 Section 4 of the Governors Act, 1986 was repealed verbatim in section 4 of 1988 Act. Thus the supply of resin has become unpredictable.

12. After the 1988 enactment meager quantities of Resin was being made available through public auction. Non-applicant No. 1 or for that matter any other factory in private sector doing similar work is not sure as to whether it is going to get any Resin at all or not. Thus the work of the Resin melting through contractor has got considerably reduced.

13. It is further submitted that the petitioners were never under the employment of Respondent No. 1 as piece rated workers or other. It is denied that the petitioners were being paid the salary of Rs. 2600/- per month as alleged. It is also denied that the employment of the petitioner was uninterrupted as alleged, as they were not in the employment of Respondent No. 1 at any time.

14. It is denied that the petitioners were performing their duties under principal employer. Since the petitioners were not in the employment of Respondent No. 1 there was no question of supervising and controlling their duty and discipline as alleged.

15. The petitioners have not produced any order of their appointment for the reason that they were never in the employment of Respondent No. 1. There was no question of issuing any show cause notice as the petitioners were not in the employment of Respondent No. 1. Since the petitioners were not in the employment of Respondent No. 1 there was no question of termination of their service.

16. Respondent No. 2 was the contractor to undertake the work of Resin melting. But it is denied that petitioners were performing the duties

for opening of tins or sorting or melting of Resin as alleged. None of the petitioners remained in the employment up to 27-08-2000 as alleged or for any period. There is not question of refusing of work by the supervisor as the petitioners were never in the employment of Respondent No. 1. As the petitioners were not in the employment of Respondent No. 1 there is no question of reinstating there as alleged.

17. Thereafter, Respondent No. 2 caused appearance and filed objections averring therein that contents of Para 1 are not denied. In 1980 and thereafter, Respondent No. 2 was himself working as a Labourer/Worker at difference places like Road, Railway Station and sometimes in Factories.

18. It was only in the year 1999 that Respondent No. 2 was able to get contract for Resin melting. The Resin was in short supply and was not available for melting all the time. Whenever the Resins was available in Factory of Respondent No. 1 was called and asked to complete the work during my contract period. The work of resin melting does not require any special skill, whenever the work of resin melting does not require any special skill, whenever the work of Resin again become available I used to hire fresh labour and complete the contract of resin melting and again disengage them whenever the Resin stock was melted and exhausted.

19. The petitioners were never employed by Respondent No. 2 or by Respondent No. 1 for executing the work of melting resin or for any other work. There is as such no question of termination of petitioners services on 28-08-2000 :-

- (a) There was no question of issuing show cause notice to the Petitioners as they were not in the employment of the Respondents.
- (b) As the petitioners were not in the employment of the respondents as such there was no question of charge sheeting them.
- (c) As the petitioners were not in the employment of the respondents there was not question of providing opportunity of being heard. The petitioners are totally strangers as for as Respondent No. 2 is concerned.

(d) In the circumstances of the case there was no question of any enquiry being conducted.

20. It is however submitted that Respondent No. 1 was not doing himself the work of melting the Resins. The work was being done through Contractor.

21. Since the petitioners were never in employment of Respondent No. 1 or 2 as such there was not question of termination of their services.

22. In rejoinder to the objections of the respondents it is averred that the Respondent No. 1 has stated in their preliminary submission in Para 1 to 5 about the functioning of factory raw material and availability of raw material i. e. Raw Resin. This is a matter of record of the management and the statutory provision of J&K Resin Act, 1986 that no relevancy in this dispute as referred by the Government. The factory functioning its working for the whole year regularly and continuously and there is no shortage of raw material. The factory functioning its working 24 hours and the workers were working in three shifts and there is no shortage of raw material. The plea of management in this para is totally wrong and baseless. The melting of Resin is directly connection with core functioning of the factory and production. The workers executing their job of melting resin work from a long period. The total working of petitioners were supervised and controlled by the company staff. The company is not dependent on the State Government because the company is purchasing from the open market also. The factory functioned throughout the year continuously and regularly and there is not a single day stoppage of work.

23. The petitioners were in the employment of principal employer No. 1 and were employed on piece rated work and the average salary of each petitioner is Rs. 2600/- per month. The total work of petitioners were supervised and controlled by the management. The petitioners were performing the duty of principal employer and the petitioners were in the employment of principal employer. The duty and discipline of petitioners were supervised by the principal employer and have full control of work of petitioners all these years. The petitioners were piece rated workers and performing the job as melting worker.

24. The termination of petitioners from service on 28-08-2000 have been challenged on good grounds under law. The petitioners were in the employment of principal employer and they were working in the factory from a long period continuously and regularly. Before termination, the procedure provided under law or standing order must be complied with. The petitioners were in the employment from years together and remained in the employment till termination on 28-08-2000. The management can not terminate the services of petitioners verbally which is also illegal. Requirements under law and I. D. Act, 1947 must be complied with, otherwise action is illegal. The condition under I. D. Act, 1947 of 25-F has also not been fulfilled as the retrenchment compensation has not been paid to the petitioners.

25. The Respondent No. 2 always engaged labour for principal employer but the contract was not genuine and the petitioner work was supervised and controlled by management of factory. The Respondent No. 1 is fully responsible for employment and the petitioners were doing the job of Respondent No. 1. All the petitioners were in the employment of the factory on piece rated work and the contract is sham them the petitioner are the workman of principal employer.

26. On the application of the petitioner, the Respondent No. 2 was dropped from the proceedings. Petitioners have produced themselves in the witness box besides Ashok Kumar. The witnesses of the petitioners were cross-examined by the respondents. On 04-12-2008 on the failure of the respondent to participate in the proceeding, *ex parte* proceeding were initiated. The petitioners were provided any opportunity to lead the evidence in *ex parte* but no evidence was produced and the evidence of the petitioners was closed.

27. The petitioners named above appeared as witness and deposed that they were the workers of the Respondent No. 1 and were performing their duties under the control and supervision of Respondent No. 1, their leave was sanctioned by Malvia, Personnel Officer and a contribution of

Rs. 200/- was deducted from their salary and were terminated by the management. Petitioners were terminated on 28-08-2000 and getting Rs. 2600/- p. m. at the time of their termination without issuing any notice or wages in lieu of notice. The petitioners have further claimed that they were working in the factory and performing their duties with their utmost sincerely. They used to extract the resin from the barrels and melt them. All the material like cutter, rod etc. were provided by the management of Respondent No. 1. Rs. 200/- was being deducted continuously from their salary.

28. Heard arguments and gone through the file. Issue-wise finding or returned herewith.

Issue No. 1 :

29. It is argued by the AR for the petitioners that from the material on record, it is not disputed that workmen in question were working in the factory of the respondent. The respondent's only contention was raised in their objections that workmen were contractor labour. All the workmen deemed to be continuing inservice of the respondent, control of all workmen absolutely vested in the respondent in the light of the evidence of the petitioners and in this view of the matter there exists relationship of master and servant. Admittedly in this case, retrenchment compensation was not paid to the workmen as required under section 25-F of Industrial Dispute Act, 1947. No notice or notice pay was paid to the workmen therefore the termination is bad in law and workmen entitle to reinstatement. Factory have been closed by the respondent on 30-07-2008 as declared closer. The respondents has paid to all other workers dues as per agreement executed on 28-11-2008 therefore the petitioners are also entitled to compensation rupees 2 lac as consolidated damages/compensation.

30. Even otherwise from the perusal of a certificate issued by Mr. C. R. Paul, Chief Executive of Dujodwala Resins and Terpenes Ltd. , it reveals that the petitioner Mohan Lal S/o Lallo Ram R/o Langtha P. O. and Tehsil Samba was working as a labourer in the factory of the respondents for the last 15 years. Though this experience certificate has not been proved by the petitioner by leading the evidence but the respondents have also not

denied or challenged the genuineness of the said certificate. So there is no reason to disbelieve the averments of the said experience certificate.

31. In *Town Municipal Council, Athani Vs. Labour Court* (1969) 2 Lab. LJ 651 : (AIR 1969 SC 1335), this Court while affirming the decision of the Mysore High Court, since reported in (1968) 1 Lab. LJ 779 : (AIR 1968 Mysore 150), laid down that questions relating to payment of minimum wages to the employee at the agreed rate or any amount for overtime work or for work on off days can be considered and decided not only under the Payment of Wages Act but also under Section 33C (2) of the Industrial Disputes Act, 1947, and that jurisdiction of the Labour Court under Section 33C (2) is not barred on account of the provisions contained in the Payment of Wages Act. This decision has been cited only as an effort to indicate that claim for wages can be entertained not only under the Payment of Wages Act but also under Section 33C (2) of the Industrial Disputes Act.

32. Thus, the character and function of the Labour Court under the Industrial Disputes Act as also the Authority under the Payment of Wages Act are similar in purpose and both are designed to produce the same result particularly as some of the provisions under both the Acts prescribe the same thing to be done. The Industrial Disputes Act, 1947 and the Payment of Wages Act, 1936, are, therefore, "Corresponding Law" qua each other particularly as both are part of the same social legislative canopy made by the Parliament for immediate amelioration of workmen's plight resulting from non-payment, or delayed payment or, for that matter, short payment of their wages.

33. The payment was on piece rated basis since 01-01-1990 to 28-08-2000. The petitioners have joined the employment w. e. f. 27-08-2000 and Respondent No. 2 was deducting Rs. 200/- per month from the wages of the petitioner right from January, 1990 to onwards. In the year of 2000 without any plausible reasons, Respondent No. 2 terminated the services of the petitioners. Now the petitioners are claiming their deducted contributions made from their wages which has not been paid by the respondents despite repeated requests made by the petitioners. It has come in the statements of the witnesses that the petitioners were

working in the establishment of the Respondent No. 2 and they were supervised by the supervisor and other staff of the principal employer.

34. In Para 13 of the judgment passed by Hon'ble High Court of Jarkhand published as 2002 LLR page 177, the Hon'ble High Court has observed as, "In the present cases, by impugned award dated 23rd September, 1996 answered the question of facts that there exists employer-employee relationship between management and workmen. Such being the finding of fact arrived at by the Labour Court. Hence it is not desirable, otherwise he interfered with while exercising powers under Article 226 of Constitution of India, the same otherwise not being perverse and there being no error apparent of the face of the record".

35. In another case titled Haryana State Electricity Board through Secretary and Ors. V/s Presiding Officer, published as 1997 LLR 416, the Hon'ble High Court of Punjab and Haryana as held that, "the guiding factor in this case whether petitioner board has control over the working of the respondents or not which was the determining tests and this aspect of the case has been properly and rightly appreciated by the Labour Court. Though the respondents were engaged by the contractor but this action on the part of the contractor was only for the purpose of the procurement of the labour. However control of such labour absolutely vested in the board in the light of the evidence lead by the parties and in this view of the matter, their existed relationship of master and servant".

36. In this case though the Respondent No. 1 has pleaded that he had engaged the labour for the execution of the work allotted to him by the Respondent No. 2. But there is nothing on record which could prove that the petitioners were working under the supervision and control of Respondent No. 1 and not of Respondent No. 2. On the contrary there is sufficient material on record to prove that the petitioners were working with the Respondent No. 2 since 1990 and were working under the supervision and control of Respondent No. 2. It is a crystal and clear case of the existence of the relationship of master and servant between the parties to the petition. There is no doubt that petitioners were working under the control of the Respondent No. 2, being the principal employer as such he is liable to make the payment of their contribution/deductions which comes to

Rs.1,79,200/-. Since the legitimate dues of the petitioners has not been paid by the respondents and a considerable time has been exhausted so they are entitled to interest thereupon. It is also submitted by the AR for the petitioners that the Respondent No. 2 has admitted that he used to undertake to work with M/s Dujodwala Resins and Terpenes Ltd. and was provided labour to the Respondent No. 1 but the engagement was not of permanent nature. It appears that the Respondent No. 2 was the immediate employer and Respondent No. 1 was the principal employer.

37. It is well settled law that the onus of proof lies upon the person who assert the existence of any fact. As stated above, the management has not lead any evidence in this matter.

38. The respondents have claimed that the petitioners are not their employees but have not lead any documentary or oral evidence to prove their claim whereas the petitioner have lead the oral evidence. They have also filed the documentary proof. The respondents have no where denied and challenged the genuineness of the documentary proof lead by the petitioners. No doubt to prove a relationship of master and servant, the workmen are supposed to file the copy of muster role, I card, salary slip, appointment order etc. but the laborers being the rustic person are not aware of their rights and moreover this record lies with the respondents. There is no denial that the unit of the respondent was working and it was being run by some workers. May not by the petitioner but some might be working there. Had the petitioners were not their workers, they must have submitted the list of other workers or their attendance but the same has not been done by the management. In the absence of any cogent proof/evidence or rebuttal, I have no reason to disbelieve the averments made by the petitioners to their employment by the management of Respondent No. 1. Once it is proved that the petitioners were the workers of the management then next question comes for consideration, whether they have been terminated in accordance with law. The management has flatly refused to admit the employment of the petitioners. The genuineness and legality of the termination of the employees at the hands of the management has not been proved by the management. There is nothing on record to prove that the petitioners were terminated after adopting due

course of law. As such it is held that the termination of the petitioners namely Gouri Shankar, Mohan Lal, Bodh Ram, Romesh Lal, Charan Dass and Karnail Chand was illegal. Issue No. 1 is decided in favour of the petitioners and against the respondents.

Issue No. 2 :

39. From the perusal of the record it reveals that the unit of the respondents was closed on 29-07-2008 and in this regard an agreement was executed between the management and the workers union and it was decided to pay notice pay of 90 days bonus for the year 2007, 2008 @ of 10% retrenchment 9 days increment for the period 2007. Since the unit stands closed, so there is no scope for their re-employment. Therefore the interest of justice would be sub-served if in the place of reinstatement with back wages, a lump sum amount of rupees one lac is paid to each of the petitioners. Accordingly the each of the petitioners are held entitled to get rupees one lac as compensation from the respondents.

40. The reference is answered accordingly and the award is passed. Copy of this award be sent to the appropriate Government for further necessary action. File to go to records under rules.

Announced in open Court on
09-06-2014.

(Sd.) KISHORE KUMAR,
District and Sessions Judge,
Presiding Officer,
Industrial Tribunal/Labour Court,
J&K, Srinagar/Jammu.



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a separate compilation.

PART II-B

•Notifications, Notices and Orders by the Heads of the Departments.

GOVERNMENT OF JAMMU AND KASHMIR,
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
SRINAGAR/JAMMU.

File No. 40/LC-J.

Date of Institution : 30-05-2005.

Date of Award : 09-06-2014.

Paramjit Singh, Operator
S/o Sh. Gurbaksh Singh

Versus 1. Chief Executive Officer,
M/s Dujodwala Resins and

:

R/o Vill. Chunibean Panditan
P/o Bana Chack,
Tehsil Bishnah, District Jammu.

Terpenes Ltd., Bari Brahmana,
Jammu.

Patitioners

Respondents

Award

1. This tribunal has received a reference by virtue of a notification dated 29th March, 2005 wherein SRO-82 was issued by the Government of J&K and referred the dispute to this tribunal for adjudication in respect of the following matters :-

(a) Whether the said Management was justified in terminating the services of the aforesaid workman ?

(b) If not, to what relief the said workman is entitled to.

2. Upon notice to the parties, petitioner filed the statement of claim and the objections which are as under :-

3. The petitioner has pleaded that he was a permanent employee and joined in the respondent factory for the post of Helper vide letter dated 01-05-1988 and 02-11-1988. The petitioner was in continuous and regular service and his service record was neat and clean. The petitioner salary was Rs. 4800/- P. M. at the time of his termination.

4. That he was an Office Bearer as Vice-President of the trade union registered under Trade Union Act, 1926, the name of the trade union is Workers Union Dujodwala Resins and Terpenes Ltd., Bari Brahmana, Jammu which is affiliated with the Bhartiya Mazdoor Sangh (A Central Labour Organization).

5. That the workers union served upon the Respondent a charter of demands containing number of demands of factory workers which was pending before the Assistant Labour Commissioner (Conciliation Officer).

Jammu for conciliation proceedings. The workers union also served another charter of demands for early settlement as the previous settlement had expired. The respondent become annoyed with the workers trade union due to this demands notice.

6. That there is another pro-management trade union functioning in the factory. The respondent's attitude with the workers union was discriminatory in which I was Vice-President and Office Bearer of the union. The respondent always shown partiality and granting favour to the pro-management trade union. The employer always created discontentment using his colorable powers, using of weapon of transfer with malafide intension from one place at another and always tried to weaken the trade union of whom I was Vice-President. This created disunity among workers which is unfair labour practice under the provision of Industrial Dispute Act, 1947.

7. That due to trade union activities of the petitioner, the respondent transferred the petitioner to Maharashtra State without any justification, with malafide intension. After getting the illegal transfer order, I submitted a letter dated 01-09-2003 by registered post but the management refused to receive it. The petitioner requested in his letter dated 11-09-2003 that I may please be allowed to join duty at Bari Brahmana but respondent refused to take me on duty. Respondent planned a conspiracy with malafide intension and to victimize me due to my trade union activities and choosen a weapon of transfer order using his colorable powers justification where as the factory was working in three shifts regularly and continuously and there was no lay off also.

8. That there is too much staff in resin plant but the respondent with malafide intension chosen to transfer the petitioner from this plant where the petitioner was on duty since 1979 and before this no worker was transferred to Maharastra but my transfer order has been passed with malafide intension using his colourable power to victimize the petitioner due to the active trade union activities. The respondent had not good industrial relation with workers and the management had made a policy to weaken the petitioner's union and always favour to pro-management giving them benefits.

9. That the petitioner challenged the transfer order and submitted his petition before the Assistant Labour Commissioner (Conciliation Officer), Jammu for conciliation proceeding.

10. That after that management served me a charge sheet alleging number of allegations as misconduct which were totally wrong and baseless which I denied vide my letter dated 23-10-2003. I have not committed any misconduct and it is a matter of proof, investigation and enquiry. On the other hand my dispute of transfer was pending before the A. L. C., Jammu and date was fixed for 31-10-2003 for hearing I also requested in my letter that I denied all the contents of charge sheet.

11. That the respondent terminated the service of the petitioner workman on 07-12-2004 which is illegal, wrong, victimization due to trade union activities and also against the Principle of Natural Justice. No enquiry has been held against the petitioner termination. If there was any misconduct against the petitioner, then enquiry must be held, without affording any opportunity of hearing, the termination is bad in the eyes of laws and also against the Principle of Natural Justice.

12. That during the pendency of dispute before the Conciliation Officer, no employer can alter his service condition, take any action connected with the dispute, discharge, punish whether by dismissal or otherwise. There were two disputes i. e. dated 12-06-2003 and 07-10-2005 were pending before the ALC, Jammu for conciliation proceeding for reference before the Hon'ble Industrial Tribunal-cum-Labour Court, Jammu. The disputes were raised by workers union and petitioner himself. The management first victimized the petitioner due to trade union activities with weapon of transfer order and after that terminated the petitioner service for misconduct during the pendency of dispute under I. D. Act, 1947. Before, termination, the Respondent has not taken any permission from the authority under law i. e. I. D. Act, 1947. Therefore, termination is illegal, improper and also against law.

13. And finally prayed that the termination of the services of petitioner on 07-01-2004 is illegal, against the Principle of Natural Justice and no

enquiry has been held about the misconduct, no opportunity has been given for defense. The petitioner prays for reinstatement on his old post with full back wages and continuity of services with all benefits and expenses of case. Salary was Rs. 4800/- P. M. at the time of termination.

14. The respondent has filed the objections *inter alia* pleading that—

15. Vide Order No. DRT/B/LC/2142 dated 01-05-1988, the petitioner was temporarily engaged as helper w. e. f. 01-05-1988 by the Factory Manager of. M/s Dujodwala Resins and Tarpenes Pvt., Ltd. SIDCO Industrial Complex, Bari Brahmana, Jammu. The petitioner's services were extended from 01-08-1988 to 31-10-1988 vide Order No. DRT/B/LC/192 dated 27-07-1988. The appointment letter was issued to the petitioner by the Factory Manager vide Order No. DRT/B/LC/1012 dated 02-11-1988 wherein it has been contended that he will be on probation for six months. It is also submitted that petitioner's services were regularized thereafter.

16. That the petitioner was made to fill up the application form for appointment in M/s Dujodwala Resins and Tarpenes, Pvt. Ltd. prior to issuance of his appointment order dated 02-11-1988. The said printed application form contains service conditions which the petitioner/applicant is bound to comply with as he has sworn for the same at the time of filing of the application form. The condition No. 4 of the said "service condition" is reproduced below for ready reference of the Hon'ble Court/Tribunal :—

"The employee shall ordinarily be employed at Jammu factory, but are liable to be transferred to any other department of the factory or any other unit of the company or associated and or subsidiary company situated anywhere in the Union of India whether existing or acquired/started lateron, as required by the exigencies of our business at the discretion of the management, without any increase in the salary and without demand of any other allowances etc. whatsoever.

It is, submitted that Rule 20 of the certified standing order of the company deals with transfer of employees. The said rule is reproduced below :-

“20. Transfer all the workman shall be liable to be transferred by the appointing authority or any other officer authorized on this behalf from any department to their department or any other unit of the Company or associated or subsidiary company situate anywhere in Union of India whether existing or acquired/started lateron required by the exigencies of the business at the discretion of the company.”

17. It is submitted that the petitioner has sought revocation of the transfer order passed on 01-09-2003 by the appointing authority.

18. That the petitioner along with 3 other persons were working in the Resin Section of the factory and due to the non-availability of the raw materiel i. e. Olepine Resin, two persons were adjusted at Jammu whereas two other persons i. e. petitioner and one Ram Pal Sharma were transferred to Dujodwala Paper Chemical Ltd., Post Office Atkargaon, Khopoli, Maharashtra in the routine manner without any malafide intention as contended by the petitioner in his petition. It is further submitted that Ram Pal Sharma joined his duties at the place mentioned above in terms of order of his transfer dated 01-09-2003. It is important to submit here that the petitioner never joined his duties at the new place of posting. The petitioner has not been singled out but he has been transferred along with his other colleagues having same tenure of service as of the petitioner as such the transfer order has been passed in terms of “Certified Standing Orders” and Service Conditions. It is further submitted that Ram Pal Sharma had joined his duties at Atkargaon as per transfer order that too without any objection.

19. That workers union has served a charter of demands upon the management wherein the union has sought various relief's i. e. regarding pay, allowances, HRA etc. It is pertinent to mention here that vide Memorandum of Settlement dated 18th Oct., 2003 all the grevances of

the union have been redressed and as such all controversies putforth in the charter of demands by the so called union have been set at rest. Thus the petitioner contention that management is annoyed with him as he has participated in puttingh forth the charter of demands before the management are baseless and are denied. It is important to mention here that another Memorandum of Settlement dated 24-09-2004 was executed between the management and the representatives of workers union whereby all the grievances of the workers have been again redressed and all the controversies put forth in the charter of demand still date have been settled again and set at rest. It is further submitted that the said Memorandum of Settlement is still in operation and is binding on all monthly rated workers/operators on rolls as such question of manangement respondent annoyance with the workers does not arise at all especially when their demands have been settled up to their satisfaction.

20. The representation on his behalf was received on 05-09-2003 by the management before issuance of transfer letter. The management has explained the circumstances under which transfer of the petitioner have been done.

21. It is further submitted that petitioner the services of the petitioner were never terminated during the pendency of conciliation proceedings. It is important to mention here that the conciliation proceedings were over by 29th December, 2003. It is denied that the management has victimized the petitioner. The respondent company is law abiding and working in accordance with Factory Act and other applicable Acts as approved by the J&K Government from time to time.

22. The petitioner was given several opportunities by the respondent company to join the services at its allied company M/s Dujodwala Paper Chemical Ltd., Atkargaon, Khopoli. He failed to join the duty even after 160 days. This act of the petitioner has compellid the management to arrive on the conclusion that the petitioner has abandoned the services and accordingly termination order was issued against him.

23. The Respondent Company is working within the parameters of relevant laws and it never believes in victimization but in fact it believes in

co-existence. This is also evident from the fact that since 1981 the company have not lost a single man because of labour unrest or strike. This shows the management has maintained excellent co-cordial relationship with workmen.

24. Rejoinder was filed to statement of claim of the workman wherein the contents of the WS were generally denied and the contents of the claim were reiterated and reaffirmed.

25. The points of reference were treated as the issues vide this court order dated 24-09-2007 and the file was fixed for evidence of the parties. The statement of the petitioner was recorded on 22-10-2007 and Omkar Singh was recorded on 09-01-2008. The respondents did not adduce any evidence despite availing numerous opportunities and ultimately on the absent of the respondent, *ex parte* proceeding were initiating against the respondent. The evidence lead by the petitioner is as under :-

26. P. W. 1 Paramjit Singh has deposed that he was engaged as helper on 05, 1988 and in the years of 1995 and was promoted as operator and getting the salary of Rs. 5000/- and elected Vice-President of the workers union. A demand letter was given to the management which was not accepted by the management and on this ground he was transferred by the management. Factory used to work for whole of the year. He was terminated on September, 2003 without the issuance of any notice and hold any inquiry against him. From May, 2006 he is working in another factory named as Balaji. On cross examination, the witness has submitted that he along with another worker namely Ram Pal were transferred and Ram Pal joined his new place of posting whereas he did not joined his new place of posting. Resin quota was being fully supplied by the Government to the factory.

27. P. W. 2 Omkar Singh has stated that he identifies the petitioner who was working as a operator and getting Rs. 4800/-. There were two unions in the factory and petitioner was the Vice-President of one of the unions. The demands of the workers were given to the management and the conciliation officer also. Paramjit was terminated and no permission in this regard was obtained from the conciliation officer or labour court. The

conduct of the management was not conducive with the workers and the management used to harass the petitioner as he was asking the management for the demands of the workers. Workers were not transferred from the State. On September, 2003 he was transferred by the management without holding any inquiry and provided compensation. One worker namely Ram Pal beside petitioner was transferred to Bombay. The petitioner being a union leader was transferred as he used to raise voice for the welfare of the workers. Respondents have not lead any evidence after the availing the opportunity to lead the evidence and thereafter remained absent from the proceedings and ultimately *ex parte* proceedings were initiated against the respondent.

Heard arguments and gone through the file.

29. AR for the petitioner has argued that the respondent has terminated the services of petitioner on 07-12-2004 which is totally wrong and against the Principles of Natural Justice as no enquiry has been conducted against the petitioner. No opportunity has been granted by the respondent to the petitioner who has been victimized due to trade union Activities and also violated the provisions of law as no permission has been taken before termination. The petitioner be reinstated on his old post with full of back wages and continuity of service, with all benefits, case expenses and cost. The petitioner was getting salary Rs. 4800/- P. M. at the time of termination.

30. The petitioner was dismissed by the respondent on the plea of absenteeism of the petitioner from the joining of his new place of posting. The employment of the petitioner is not disputed, the absence of the petitioner from the working or to join his new place of posting is in question. No doubt the petitioner has himself admitted that he was transferred but did not join his new place of posting. It is sufficient to presume that the petitioner has not joined his new place of posting. But whether the petitioner has deliberately abandoned to work at his new place of posting. It is categorically claimed by the petitioner that he is being victimized only because he was active union leader. The claim of the petitioner in this regard has been denied by the Respondent but there is nothing on record

which could prove the contention of the respondents. The respondent did not opt to proceed with the proceeding and decided to abstain from the proceedings and did not bother to lead any evidence. In the absence of any evidence lead by the petitioner, in 'rebuttal to the claim and evidence of petitionwe, the plea taken by the respondents cannot be accepted. It is for the respondent to prove that the petitioner has himself abandoned from the services.

31. In a case M/s Nicks (India) Tools Vs. Ram Surat and Anr. (Supra), Hon'ble Supreme Court has *inter alia*, held as under :-

"Since the respondent workman was in the service of the appellant Management the burden of proving that he voluntarily left the services then falls on appellant Management."

32. In another case of Shri Shiv Kumar Vs. Hansita, Hon'ble High Court has held as under :-

"It is a settled position that the abandonment of service cannot be readily inferred. Abandonment of service is a question of intention which can be gathered from the totality of the facts and circumstances of each case. There has to be a clear evidence on record to show that despite grant of reasonable opportunity to the employee by the Management, he failed to join back his duties without any sufficient reasons and therefore in the absence of any such cogent and convincing evidence, voluntarily abandonment of the part of the employee cannot be readily inferred"

33. Coming to the present matter, undisputedly it is admitted fact that the workman was employee of the management. Hence, in the light of above judgement the burden to prove that the workman left the service voluntarily lie upon the management.

34. Considering the entire facts and circumstances, it is found that the management has failed to bring on record any cogent or consistent verbal or documentary evidence to prove that the workman has abandoned his service voluntarily.

34. Before proceedings ahead here it is necessary to reproduce the relevant provision of Section 25-F of Industrial Dispute Act, which are as under :-

Section 25-F :- Condition precedent to retrenchment of workman
no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until -

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice ;

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days, average pay (for every completed year of continuous service) or any part thereof in excess of six months ; and

(c).....From bare perusal of Section 25-F, it is found that the workman who has completed 240 days in the year preceding his termination cannot be retrenched without giving one month notice and notice pay etc.

35. In case *Mohan Lal V/s. Bharat Electronics Ltd.* (1981) II LLJ 70 (SC), it was held by Hon'ble Supreme Court that, "termination of service of a workman for any reason other than those excepted in Section 2 (oo) amounts to retrenchment. If pre-requisite for a valid retrenchment have not been complied with, the termination of service would be void *ab initio*. Therefore, the workman would be entitled to a declaration that the workman continued to be in service with all consequential benefits.

36. The reliance is also placed on case *Ramesh Kumar V/s. State of Haryana*, 2010 (I) LLJ 821 SC, wherein, Hon'ble Supreme Court has held that once the workman has completed 240 days the workman cannot be terminated without notice

37. Though in ordinary cases, Labour Courts award reinstatement, however, the recent trend of the superior courts had been to award compensation instead of reinstatement. Illustratively, in 2009 LLR1 SC U. P. State Electricity Board V/s. Laxmi Kant Gupta, 2009 LLR 871SC, Narendra Kumar V/s. The Regional Manager, Punjab National Bank and Ors., 2009 LLR 966 SC Jagbir Singh V/s Haryana State Agriculture Marketing Board and Anr., 2008 LLR 555 SC Ghaziabad Development Authority and Anr., V/s. Ashok Kumar and Anr. and 2009 LLR1281 SC Ashok Kumar Sharma V/s. Oberoi Flight Services, it was held that reinstatement is an exception and normally the court must give a lump-sum amount towards compensation instead of a reinstatement.

38. In the present matter, admittedly, no notice or notice pay etc. has been given, therefore, the termination of the workman amounts to illegal termination. Once it is hold that the termination was illegal the workman was entitled for legal benefits.

39. In the present matter the Management is a private concern and has been closed therefore, it would not be appropriate to make order for reinstatement and lump-sum compensation may be paid to the Workman.

40. Considering the entire facts and circumstances and to meet the ends of the justice, it would be appropriate to award lump-sum compensation of Rs. 1,00,000/- (Rupees One lac only) in lieu of reinstatement and back wages to the workman. Hence, management is directed to pay lump sum compensation of Rs. 1,00,000/- to the workman.

41. Award has been passed. Copies of award be sent to the appropriate Government for publication as per law.

Announced in open Court on 09-06-2014.

(Sd.) KISHORE KUMAR,

District and Sessions Judge,
Presiding Officer,
Industrial Tribunal/Labour Court,
J&K, Srinagar/Jammu.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Jammu, Thu., the 21st August, 2014/30th Srav., 1936. [No. 21-24

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART I-B

Jammu and Kashmir Government—Notifications.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE,
AND PARLIAMENTARY AFFAIRS**

Notification

Srinagar, the 21st of August, 2014.

Whereas, the Government of Jammu and Kashmir intends to appoint Notaries under section 3 of the Notaries Act, 1952 for various territorial jurisdiction;

Whereas, the following candidates have qualified in the interviews for appointment as Notary and the Competent Authority has accepted the

applications of the said candidates for their appointment as Notary for the territorial jurisdictions of District Court, Jammu :—

S. No.	Name	Parentage	Residence
1.	Shamli Kohli	D/o Rajinder Kumar	Kunjwani, Jammu
2.	Arti Anand	D o Joginder Kr. Anand	Talab Tilloo, Jammu
3.	Manisha Khajuria	W/o Sh. Love Sharma	Purani Mandi, Jammu
4.	Parabjeet Kour	W/o Sheer Singh Wazir	Naseeb Nagar, Jammu
5.	Susheel Kumar	S/o Puran Mittar	Bishnah, Jammu
6.	Anjali Raina	W/o Rakesh Pandita	Bhanthandi, Jammu
7.	Kamal Kishore	S/o Late Madan Lal	Gandhi Nagar, Jammu
8.	Reenu Verma	D/o Monghal Verma	Chand Nagar, Jammu
9.	Khalid Mohd. Khan	S/o M. Bashir Khan	Janipora, Jammu
10.	Vijay Kumar	S/o Thakur Dass	Digiana, Jammu
11.	Ab. Aleem Sheikh	S/o Ab. Quyoom Sheikh	Belicharana, Jammu
12.	S. Sandeep Singh	S/o Avtar Singh	Digiana, Jammu
13.	Tehir Parveez Bhat	S/o Abdul Majeed Bhat	Gujjar Nagar
14.	Manoj Kumar Bhat	Keshi Nath Bhat	Tallab Tilloo
15.	Joginder Lal	Madan Lal	Akhnoor
16.	Gian Chand Sharma	Behari Lal Sharma	R. S. Pura
17.	Dharampal Gupta	Chananjeet Lal Gupta	Gandhi Nagar
18.	Danish Kalla	Suraj Prakash Kalla	Jain Bazar, Jammu

Now, therefore, in pursuance of rule 6 of the Notaries Rules, 1956, the name(s) of the said applicants is hereby published in the Government Gazette. Any person interested in filing objections to the appointment of the said applicants as Notary may submit the same to the Competent Authority within 14 days from the date of publication of this notice in the Government Gazette.

(Sd.) MOHAMMAD ASHRAF MIR.

Secretary to Government,
Department of Law, Justice and Parliamentary Affairs
(Competent Authority under the Notaries Act, 1952).



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Jammu, Thu., the 21st August, 2014/30th Srav., 1936. [No. 21-34

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PART I-B

Jammu and Kashmir Government—Notifications.

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Notification

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Whereas, the following candidates have qualified in the interviews for appointment as Notary and the Competent Authority has accepted the

applications of the said candidates for their appointment as Notary for the territorial jurisdictions of District Court, Srinagar : —

S. No.	Name	Parentage	Residence
1.	Sofiya Muzamil	Hakeen Mohd. Hussain	Bemina, Srinagar
2.	Showkt Ahmad Kawoosa	Gh. Nabi Kawoosa	Aali Kadal, Srinagar
3.	Younis Aslam Kawoosa	Mohd. Aslam Kawoosa	Hyderpora, Srinagar
4.	Mushtaq Hussain Para	Mohd. Akber Para	Rainawari, Srinagar
5.	Hamid Shafi Hakim	Mohd. Shafi Hakim	Peerbagh, Srinagar
6.	Abdul Ahad Thakar	Mohd. Abdulla Thakar	Barzullah, Srinagar
7.	Himada Taranum	G. Q. Wani	Bagimchtab, Srinagar
8.	Ufaira R. Wani	Ab. Rasheed Wani	Batamaloo, Srinagar
9.	Gh. Nabi Wani	Kh. Abdul Aziz Wani	Shultang, Srinagar
10.	Mohd. Rafiq Beigh	Gh. Qadir Beigh	Bohari Kadal, Srinagar
11.	Reyaz Ahmad Beigh	Ali Mohd. Beigh	Dalkawpora, Rainawari
12.	Hamidullah	Sayed Atiaullah	Nowgam, Srinagar
13.	Shahnaz Adil Shah	Mohd. Sharief Shah	Nowakadal, Srinagar
14.	Irfan Ah. Khan	Gh. Rasool Khan	Barzullah, Srinagar
15.	Hakim Javid Ah.	Late. Hakim Gh. Mohidun	Sanant Nagar, Srinagar
16.	Mohd. Sultan Sheikh	Ab. Jabbar Sheikh	Srinagar
17.	Javid Ah. Nazar	Gh. Qadir Nazar	Fatekadal, Srinagar
18.	Gh. Hussan Shah	Ab. Hamid Shah	Nishat, Srinagar
19.	Shaheena Khan	Gh. Mohd. Khan	Nowgam, Srinagar

Now, therefore, in pursuance of rule 6 of the Notaries Rules, 1956, the name(s) of the said applicants are hereby published in the Government Gazette. Any person interested in filing objections to the appointment of the said applicants as Notary may submit the same to the Competent Authority within 14 days from the date of publication of this notice in the Government Gazette.

(Sd.) MOHAMMAD ASHRAF MIR,

Secretary to Government,
Department of Law, Justice and Parliamentary Affairs,
(Competent Authority under the Notaries Act, 1952).



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a separate compilation.

PART II—B

Notifications, Notices and Orders by Heads of Departments.

**GOVERNMENT OF JAMMU AND KASHMIR
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
JAMMU AND KASHMIR, SRINAGAR.**

Before : Kishore Kumar (District and Sessions Judge).

File No. 811/ITLC/2008

Date of Institution : 15-07-2008

Date of Award : 03-09-2014.

Manzoor Ahmad Bhat

S/o Gh. Mohi-ud-Din Bhat

R/o Solona, Srinagar.

Versus

(Petitioner)

- 1. Managing Director, J&K Project Construction Corporation, Haft Chinar (Near Sher Garhi Police Station), Srinagar, Kashmir.**

(Respondent)

In the Matter of :—

Petition under section 33 (c) sub-section (2) of Industrial Disputes Act, 1947 for recovery of the amount of leave salary amount of Rs. 10,2045/- as retirement benefit due to the petitioner.

Appearance :— Mr. Syed Saif-ud-Din, Advocate for Petitioner.

Mr. Hilal Akbar Lone, Advocate for the management.

AWARD

1. This is a direct industrial dispute filed by the workman under section 33 (c), sub-section (2) of Industrial Disputes Act, 1947, act for recovery of the amount of leave salary due to the petitioner (hereinafter to be referred as the "Act"). It is stated in the claim by the workman that he was appointed on 04-07-1972 and was working in J&K Project Construction Corporation, Srinagar and retired on 30-06-2007 as Ex-Assistant Accounts Officer of Mechanical Unit, Srinagar.

2. The petitioner was given the leave salary for four (4) months only at the time of his retirement. The petitioner has further contended that respondent, JKPCC was brought within the domain of the State Government vide SRO No. 27 dated 05-02-1998 and the rules and regulations as applicable to the employees of the State are also applicable to the employees of the JKPCC. Since all the rules and regulations as per CSR are applicable to the State Government Employees, so the petitioner was also entitled to the same privileges as of the State Government Employees at par.

3. That as per SRO-124 dated 17-04-1998, all the Government Employees are entitled to 10 months leave salary so the petitioner is also entitled to leave salary of 10 months equivalent 300 days. The petitioner has been given only 4 months leave salary and 6 months leave salary is outstanding. The leave salary being the retirement benefit falls within the provisions of section 33 (c) (2) of Industrial Dispute Act, 1947. It is also submitted by the petitioner that he has been deceived and dogged by the respondent and due to the inaction of the respondent, the petitioner has

filed the present petition seeking the recovery of outstanding leave salary of six months along with interest and compensation on account of mental agony of the petitioner.

4. Upon being served, the respondent filed the objections, *inter alia* pleading that the petitioner is the employee of the corporation who has got all the pensionary benefits as admissible under the corporation rules. It is further submitted that no cause of action has accrued to the petitioner as he has received all the pensionary benefits along with the other retired personnel of the corporation. The corporation has its own service rules and as per the rules, the corporation pays salary, gratuity etc. to its employees from its own resources, no budget support is made by the Centre or State Government. The respondent has admitted that as per the approval of the competent authority of the Corporation (JKPCC), the J&K Service (Leave Rules) have been incorporated and made admissible to the employees of the corporation w. e. f. 01-04-2008 and prior to 01-04-2008, the employees of the corporation were entitled to only 120 days leave encashment as per rules and regulations of JKPCC. The employees of JKPCC were entitled to only 120 days leave encashment and the same has been paid to the petitioner. After a long gap, the petitioner has disputed the leave salary which cannot be permitted at the belated stage.

5. The petitioner has relied upon the photostat copy of service book and one certificate of last pay drawn certificate duly issued by the D. D. O.

Heard and considered.

6. The petitioner has reiterated the contents of the petition in his arguments whereas the counsel for the respondent prayed for the dismissal of the petition on the plea of no cause of action has accrued to the petitioner and the statement of claim is not maintainable on the ground of laches/belated stage.

7. The moot question for the adjudication by this tribunal is that whether the workman is entitle to leave salary of 300 days and if so whether the said claim is maintainable under section 33c (2) of I. D. Act, 1947. To answer this question it is apt to reproduce section 33 c (2) of Industrial Disputes Act, 1947 which reads as under :—

“Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of

money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed then the question may subject to any rules that may be made under this Act be decided by such Labour Court as may be specified in this behalf by the appropriate Government within a period not exceeding three months provided where the Presiding officer of Labour Court considers it necessary and expedient so to do he may for the reasons to be recorded in writing extend such period by such further period as he may think fit.”

8. It is also pertinent to reproduce section 15, sub-section (3) of Payment of Wages Act which reads as under :—

“When any application under sub-section (2) is entertained, the authority shall hear the applicant and the employer or the other person responsible for payment of wages under section 3, or give them an opportunity of being heard, and after such further inquiry (if any) as may be necessary, may, without prejudice to any other penalty to which such employer or other person is liable under this Act, direct the refund to the employed person of the amount deducted, or the payment of delayed wages, together with the payment of such compensation as the authority may think fit, not exceeding ten times the amount deducted in the former case and [not exceeding twenty-five rupees in the later, and even if the amount deducted or the delayed wages are paid before the disposal of the application, direct the payment of such compensation, as the authority may think fit, not exceeding two thousand rupees”.

9. The Ld. Counsel for the respondent has argued that in a case entitled “Krishan Prasad Gupta Vs. Controller, Printing and Stationery” published as AIR 1996 Supreme Court 408, the Hon’ble Supreme Court has observed that :—

“The character and function of the Labour Court under the Industrial Disputes Act as also the authority under the Payment of Wages Act are similar in purpose and both are designed to produce the same result particularly as some of the provisions under both the Act

prescribe the same thing to be done. The Industrial Disputes Act, 1947 and the Payment of Wages Act, 1936 are, therefore, "Corresponding Law" qua each other particularly as both are part of the same social legislative canopy made by the Parliament for immediate amelioration of workmen's plight resulting from non-payment, or delayed payment, or, for that matter, short payment of their wages".

10. In AIR 2010 Supreme Court 3563 in a case entitled "Vijaya Bank Vs. Shyamal Kumar Lodh", the same view was taken. It was observed that—

"12. From a plain reading of section 33c (2) it is evident that money due to a workman has to be decided by such Labour Court "as may be specified in this behalf by the appropriate Government." Section 7 of the Industrial Disputes Act, 1947 *inter alia* confers power to the appropriate Government for constitution of one or more Labour Courts for the adjudication of industrial disputes. It is also prescribed qualification for appointment as Presiding Officer of a Labour Court. Explanation appended to section 33-c of the Act provides to include any Court constituted under any law relating to investigation and settlement of industrial disputes in force in any State as Labour Court. The under lying object behind inserting explanation seems to be varying qualification prescribed for appointment of Presiding Officers of Labour Court by different State enactments. The Parliament took note of the fact while inserting explanation that there are different kinds of Labour Courts constituted under Industrial Disputes Act and State Acts and a question may arise whether a Labour Court constituted under Acts, Central or State could entertain a claim made under section 33c (2) of the Act.

13. An explanation is appended ordinarily to a section to explain the meaning of words contained in that section. In view of the explanation aforesaid Labour Court shall include any Court constituted under any law relating to investigation and settlement of industrial disputes in force in any State. Money due to an employee under section 33c (2)

is to be decided by "Labour Court as may be specified in this behalf by the appropriate Government". Therefore, the expression "Labour Court" in section 33c (2) has to be given an extended meaning so as to include Court constituted under any law relating to investigation and settlement of industrial disputes in force in any State. It widens the choice of appropriate Government and it can specify not only the Labour Courts constituted under section 7 of the Industrial Disputes Act, 1947 but such other Courts constituted under any other law relating to investigation and settlement of industrial disputes in force in any State".

11. So in view of the above, it is safe to hold that this tribunal is competent to adjudicate dispute raised by the workman.

12. From the perusal of record it is established which is not also disputed by the respondent that the petitioner hereinabove was an employee of the JKPC. It has also been admitted by the respondent that J&K Service (Leave) Rules have been made applicable to the employees of JKPC with effect from 01-04-2008 dated 10-07-2008 and prior to 1-04-2008 the employees of JKPC were entitled to 120 days leave encashment and after 1-04-2008 when the J&K Service Leave Rules were made applicable to the employees of the corporation. It is also not out of place to mention that against the clear admission of the respondents there was no scope for this tribunal to hold further enquiry.

13. To solve the controversy, it is profitable to reproduce SRO-124 dated 17-04-1998 which reads as under :—

"Notification

Dated Jammu, the 17th April, 1998.

SRO-124.—In exercise of the powers conferred by proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to direct that the following amendments shall be made in

the J&K Civil Services Regulations, J&K Civil Service (Leave) Rules, 1979 and J&K Civil Services (LTC) Rules, 1996 :—

II. In J&K Civil Services (Leave) Rules, 1979—

- (a) The following shall be inserted as 2nd proviso below Rule 26 (b) (1) :—

“Provided that with effect from 01-07-1997, the maximum limit for accumulation of Earned Leave shall be 300 days”.

- (b) The following shall be inserted as proviso below Rule 37 (2) (1) :—

“Provided that with effect from 01-07-1997, the payment of cash equivalent of leave salary shall be limited to a maximum of 300 days of Earned Leave”.

Cash in lieu of leave salary.—(1) A Government servant may be paid cash equivalent of leave salary in respect of period of earned leave at his credit at the time of retirement on superannuation.

(2) This concession will be subject to the following conditions :—

- (i) The payment of cash equivalent of leave salary shall be limited to a maximum of 240 days of Earned Leave ;
- (ii) The cash equivalent of leave salary thus admissible will become payable on retirement and will be paid in one lump sum as a one time settlement ;
- (iii) Cash payment will be equal to leave salary admissible for earned leave and dearness allowance admissible on the leave salary at the rates in vogue on the date of retirement. No other allowance like compensatory allowance, border allowance, mufasil allowance, house rent allowance or any other allowance will be admissible as part of leave salary.

14. The purport of SRO-124 dated 17-04-1998 is that the State Government Employees regulated under the JKPCC, CSR, J&K Civil Service (Leave) Rules, 1979 and J&K Civil Service Rules (LTC) is entitled to maximum limit for accumulation of Earned Leave of 300 days w. e. f. 1-07-1997.

15. As per Article 82 of sub-clause (V) of the Memorandum and Articles of Association of JKPCC, the directors shall have the powers with the sanction of the Governor i. e. to say—

“(V) To appoint and promote and at their discretion remove, retire or suspend such managers, secretaries, officers, clerks, agents and servants, for permanent, temporary or special service as they may, from time to time think fit and to determine their powers and duties and fix their salaries and emoluments and to require security in such installments and to such amount as they think fit provided that no appointment the maximum pay of which is Rs. 3000 or more per mensem shall be made without the prior approval of the Governor :

Provided that such appointment, retirement and removal shall be made in accordance with the provisions of Jammu and Kashmir Civil Service Rules, 1956, Government Servant Conduct Rules, Recruitment Rules and other Service Rules and regulations in force in the State from time to time.”

16. The next leg of the arguments is that JKPCC has adopted the J&K Civil Service Rules, 1979, Civil Service (Medical Attendance and Allowance) 1990 and T/E Rules, vide Order No. 82 dated 10-07-2008. It is imperative to reproduce the Order No. 82/2008 passed by the respondent, JKPCC, which reads as under :—

“Subject :—Implementation of the Jammu and Kashmir Civil Service (Leave) Rules, 1979, Civil Services (Medical Attendance and Allowance) Rules, 1990 and T. A. Rules.

Reference :—Decision taken by the Budget/Establishment Sub-Committee of JKPCCLtd. under the Chairmanship of Commissioner/Secretary to Government, Finance Department on 10th of April, 2008 vide Order No. 82 of 2008 dated 10-07-2008. Consequent upon the approval formally conveyed by the Board of Directors in its 83rd meeting held on 17-06-2008 under the Chairmanship of Hon'ble Minister for R&B (Chairman, JKPCCLtd.), sanction is accorded to the implementation of the Jammu and Kashmir Civil Services (Leave) Rules and T. A. Rules as applicable to the State Government employees shall henceforth apply strictly to the employees of the Corporation. This will, however, take effect from 01-04-2008. However, cases already settled after 01-04-2008 to the date of issuance of orders shall not be reopened.

(Sd.)

Managing Director,
JKPCCLtd., Srinagar, dated 10-7-2008".

17. Now, the question arises whether the petitioner who retired prior to the issuance of Order No. 82 dated 10-07-2008 is entitled to leave encashment of 10 months as leave salary. The answer would be in negative because of the reason that the leave rules known as J&K Civil Service (Leave Rules) of 1979 has been adopted by the corporation w. e. f. 1-04-2008. The Order No. 82 of 2008 crystal clear states that—

"The Jammu and Kashmir Civil Services (Leave) Rules, 1990 and T. A. Rules as applicable to the State Government employees shall henceforth apply strictly to the employees of the Corporation and cases already settled after 01-04-2008 to the date of issuance of order shall not be reopened".

18. The petitioner has received the benefit under Leave Rules, 1979 as the same were adopted by JKPCCLtd. w. e. f. 1-04-2008. The employee on his retirement shall be entitled to leave salary of 10 months vide SRO-124

dated 17-04-1998, if an employee owns leave to credit. If we go by the contention of the petitioner that all the employees who retired before 01-04-2008 are entitled to the benefit of leave salary then all the employees of the State are entitled to leave encashment of 10 months irrespective of year of their retirement on or before 01-07-1997.

19. The petitioner has also submitted that the petitioner has been ignored of his legitimate right of leave salary encashment of 10 months and same has been withheld, whereas other blue-eyed employees of the corporation were given the leave encashment of 10 months. Though SRO-124 was issued on 17-04-1998 by the Government of Jammu and Kashmir and the employees of the State Government were given the benefit of leave encashment/leave salary of 10 months on their superannuation w. e. f. 01-07-1997, but the said rules known as JKCSR Leave Rules, 1997 were adopted by the respondent only on 10-07-2008 giving the benefit of leave salary of 10 months to its employees on their superannuation w. e. f. 01-04-2008.

20. On this account also the petitioner is not found any benefit of Order No. 82 of 2008 of the JKPC dated 10-07-2008. So far as the petitioner's argument that some of the employees were provided the benefits of leave salary of 10 months as SRO-124 passed by the authority under the Payment of Wages Act, there is nothing on the record which could prove that the said order passed by the authority under the Payment of Wages Act District Srinagar (Assistant Labour Commissioner, Srinagar) was challenged by the competent authority or not. The petitioner has failed to prove that he is entitled to leave salary of 10 months on his superannuation 30-06-2006.

21. The next limb of arguments of the petitioner is that he has been requesting the respondent time and again for the release of his leave salary also does not influence the court in the absence of any proof of filing any receipt of filing of any application of representation before the competent authority. If the plea of the petitioner is admitted for arguments sake then there will be a flood gate of litigation by all the retired employees before 01-04-2008.

22. For what has been discussed above, I am of the concerned view that the workman/petitioner is not entitled to the relief claimed by him. The petition deserves to be dismissed and the same is dismissed accordingly. File to go to records under rule.

23. A copy of this award be sent to the Government of Jammu and Kashmir through its Commissioner/Secretary, Labour Department for information and publication in the Government Gazette.

Announced :

Dated : 03-09-2013.

(Sd.) KISHORE KUMAR,
District and Sessions Judge,
Presiding Officer,
Industrial Tribunal/Labour Court,
J&K,
Srinagar.



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART II-B

Notifications, Notices and Orders by the Heads of the Departments.

**GOVERNMENT OF JAMMU AND KASHMIR,
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
SRINAGAR/JAMMU.**

File No. 722/LC.

Date of Institution : 08-04-2002.

Date of Award : 10-06-2014.

Romesh Lal, Operator,
C/o B. M. S. Office,
Parade, Jammu and Ors.

Versus 1. Chief Executive Officer,
M/s Dujodwala Resins and
Terpines Ltd., Industrial
Complex, Bari Brahmana,
Jammu.

2. M/s Tawi Diesel Engg., D-89,
Sainik Colony, Jammu.

Patitioner

Respondent Employer

In the Matter of :—Reference under I. D. Act, 1947.

Award

1. This tribunal has received a reference by virtue of notification dated 5th April, 2002 wherein SRO-136 was issued by the Government of J&K under the signature of Secretary to Govt., Labour and Employment Department wherein in exercise of powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Government referred the dispute to this tribunal for adjudication in respect of the following matter :—

- (i) Whether the contract between M/s Diesel Engineers, D/89, Sainik Colony, Jammu and M/s. Dujodwala Resins and Terpinex Limited, Bari Brahmana, Jammu signed on 01-01-2000 is camouflage to avoid the responsibility of benefit accruing to the workers under labour laws ?
- (ii) If so, to what relief the workers are entitled to.

2. The petitioner have contended that they were the permanent employees of the respondents and were terminated without adopting due cause of law under the I. D. Act. Petitioner Som Lal, was appointed as D. G. Operator at a monthly salary of Rs. 2400/- P. M. since 1996 and has completed 5 years services before his termination. Romesh Lal was employed as Operator on monthly pay of Rs. 2000/- P. M. since 1990 and has completed 9 years service before his termination. Daljit Singh has

assaulted that he was appointed as Operator and was getting salary of Rs. 2000/- P. M. He was appointed in the year 1990 and has completed 9 years service at the time of his termination. Bir Singh has submitted that he was appointed by the respondents as Operator in the year of 1989 on a monthly salary of Rs. 3500/- P. M.

3. All the petitioners were working under the control of Respondent No. 1 in the chilling as well as Nitrogen Gas Plant, which is directly connected with the operation of factory production. They were terminated on 01-05-2000 by the respondents and the said termination order is being challenged on the following grounds :—

- (a) That no show cause notice was issued.
- (b) That the petitioner was not charged sheeted of any misconduct or on account of any other reason.
- (c) That the opportunity of being heard was not provided.
- (d) No enquiry was conducted and the termination is based upon higher and fire policy.
- (e) That procedure provided in the standing orders, services rules of the employment as well as mandate of law as provided under Industrial Dispute Act, 1947 has not been followed before terminating the services of the petitioner on 01-05-2000 and even the retrenchment compensation has not been paid under section 25-F of the I. D. A. 1947.

4. Respondent No. 2 has submitted that the petitioners were employed with the Respondent No. 1, factory named M/s Dujodwala Resins and Terpinas Ltd. The job of the workers was to look after operation of Chilling Plant and Nitrogen daily in rotation around the clock and the petitioners were working there for the last 9 years, was paying the salary to them. The petitioner did other daily reporting to the concerned engineer

incharge of factory and other instruction regarding operation and allocations of duties carried out by factory management and I have no control over the services of petitioners for their day-to-day working. The attendance of the workers was taken by the management and the management is totally responsible for the consequences.

5. In the rejoinder, the petitioners have denied the contents of the objections and reiterated the state of claim filed by the respondents. The points of reference were considered as the issues and the file was fixed of evidence for the parties.

6. Petitioners have produced themselves in the witness box along with Paramjit Singh and has deposed that they were working as Operator in the unit of the Respondent No. 1 and their work was supervised by the Respondent No. 1. Their attendance was marked by the management of Respondent No. 1. They were appointed by the factory in the chilling plant. They are not aware about the agreement between the Respondents. P. W. Paramjit Singh has further stated that the job of the petitioners was of permanent nature. They were working under the supervision of maintenance engineer of the factory. They were terminated but no charge sheet was supplied to them.

7. The respondent were afforded numerous opportunities to lead the evidences but none of the witness was produced by them. Last and final opportunity was granted to the respondents. Even the costs were imposed for the adjournments to lead the evidence by the respondents. Thereafter, respondent started avoiding the proceedings which lead to *ex parte* proceedings and file came for argument. Heard arguments and gone through the file.

8. It has come in the evidence of the petitioner and the Respondent No. 2 has also submitted that the petitioners were working under the direct control of Respondent No. 1 and the determining test for the relationship of the employer and employed is the control over the working of the workers/employees. The guiding factor to know about

the relationship of the master and servant is whether the management/ employer has the control over the working of the employees. It is immaterial whether the factory or the management has engaged any contractor for the purpose of procurement of labour. The control over such labour is the guiding factor about the relationship of master/servant employer and employees. Reliance is placed on 1997 LLR 416, 2013 LLR 761 Allahabad High Court.

9. The Respondent No. 2 always engaged labour for principal employer but the contract was not genuine and the petitioner work was supervised and controlled by management of factory. The Respondent No. 1 is fully responsible for employment and the petitioners were doing the job of Respondent No. 1. All the petitioners were in the employment of the factory on piece rated work and the contract is sham then the petitioner are the workman of principal employer.

10. It is argued by the AR for the petitioners that from the material on record, it is not disputed that workmen in question were working in the factory of the respondent. The respondent's only contention was raised in their objections that workmen were contractor labour. All the workmen deemed to be continuing in service of the respondent, control of all workmen absolutely vested in the respondent in the light of the evidence of the petitioners and in this view of the matter there exists relationship of master and servant. Admittedly in this case, retrenchment compensation was not paid to the workmen as required under section 25-F of Industrial Dispute Act, 1947. No notice or notice pay was paid to the workmen therefore the termination is bad in law and workmen entitle to reinstatement. Factory has been closed by respondent on 30-07-2008 as declared closer. The respondents has paid to all other workers dues as per agreement executed on 28-11-2008 therefore, the petitioners are also entitled to compensation of Rupees 2 lacs as consolidated damages/compensation.

11. Even otherwise from the perusal of a certificate issued by Mr. C. R. Paul, Chief Executive of Dujodwala Resins and Terpinex Ltd.,

it reveals that the petitioner Mohan Lal S/o Lallo Ram R/o Langtha P. O and Tehsil Samba was working as a labourer in the factory of respondents for the last 15 years. Though this experience certificate has not been proved by the petitioner by leading the evidence but the respondents have also not denied or challenged the genuineness of the said certificate. So there is no reason to disbelieve the averments of the said experience certificate.

12. In Town Municipal Council, Athani Vs. Labour Court (1969) 2 Lab. LJ 651 : (AIR 1969 SC 1335), this Court while affirming the decision of the Mysore High Court, since reported in (1968) 1 Lab. LJ 779 (AIR 1968 Mysore 150), laid down that questions relating to payment of minimum wages to the employee at the agreed rate or any amount for overtime work or for work on off days can be considered and decided not only under the Payment of Wages Act, but also under section 33-C (2) of the Industrial Disputes Act, 1947 and that jurisdiction of the Labour Court under section 33-C (2) is not barred on account of the provisions contained in the Payment of Wages Act. This decision has been cited only as an effort to indicate that claim for wages can be entertained not only under the Payment of Wages Act but also under section 33-C (2) of the Industrial Disputes Act.

13. Thus, the character and functions of the Labour Court under the Industrial Disputes Act, as also the authority under the Payment of Wages Act, are similar in purpose and both are designed to produce the same result particularly as some of the provisions under both the Acts, prescribe the same thing to be done. The Industrial Disputes Act, 1947, and the Payment of Wages Act, 1936, are, therefore, "Corresponding Law" qua each other particularly as both are part of the same social legislative canopy made by the Parliament for immediate amelioration of workmen's plight resulting from non-payment, or delayed payment or for that matter, short payment of their wages.

14. The payment was on piece rated basis since 01-01-1990 to 28-08-2000. The petitioners have joined the employment w .e. f.

27-08-2000 and Respondent No. 2 was deducting Rs. 200/- per month from the wages of the petitioner right from January, 1990 to onwards. In the year of 2000 without any plausible reasons, Respondent No. 2 terminated the services of the petitioners. Now the petitioners are claiming their deducted contributions made from their wages which has not been paid by the respondents despite repeated requests made by the petitioners. It has come in the statements of the witnesses that the petitioners were working in the establishment of the Respondent No. 2 and they were supervised by the supervisor and other staff of the principal employer.

15. In Para 13 of the judgment passed by Hon'ble High Court of Jarkhand published as 2002 LLR Page 177, the Hon'ble High Court has observed as, "in the present cases, by impugned award dated 23rd September, 1996 answered the question of facts that there exists employer-employee relationship between management and workmen. Such being the finding of fact arrived at by the Labour Court. Hence it is not desirable, otherwise be interfered with while exercising powers under Article 226 of Constitution of India, the same otherwise not being perverse and there being no error apparent on the face of the record".

16. In another case titled Haryana State Electricity Board through Secretary and Ors. V/s. Presiding Officer, published as 1997 LLR 416, the Hon'ble High Court of Punjab and Haryana as held that, "the guiding factor in this case whether petitioner board has control over the working of the respondents or not which was the determining tests and this aspect of the case has been properly and rightly appreciated by the labour court. Though the respondents were engaged by the contractor but this action on the part of the contractor was only for the purpose of the procurement of the labour. However, control of such labour absolutely vested in the board in the light of the evidence lead by the parties and in this view of the matter, their existed relationship of master and servant".

17. In this case though the Respondent No. 1 has pleaded that he had engaged the labour for the execution of the work allotted to him by the Respondent No. 2. But there is nothing on record which could prove that the petitioners were working under the supervision and control of Respondent No. 1 and not of Respondent No. 2. On the contrary there is sufficient material on record to prove that the petitioners were working with the Respondent No. 2 since 1990 and were working under the supervision and control of Respondent No. 2. It is a crystal and clear case of the existence of the relationship of master and servant between the parties to the petition. There is no doubt that petitioners were working under the control of the Respondent No. 2, being the principal employer as such he is liable to make the payment of their contribution/deduction which comes to Rs. 1,79,200/-. Since the legitimate dues of the petitioners has not been paid by the respondents and a considerable time has been exhausted so they are entitled to interest thereupon. It is also submitted by the AR for the petitioners that the Respondent No. 2 has admitted that he used to undertake to work with M/s Dujodwala Resins and Terpinies Ltd. and was provided labour to the Respondent No. 1 but the engagement was not of permanent nature. It appears that the Respondent No. 2 was the immediate employer and Respondent No. 1 was the principal employer.

18. It is well settled law that the onus of proof lies upon the person who assert the existence of any fact. As started above, the management has not lead any evidence in this matter.

19. The respondents have claimed that the petitioners are not their employees but have not lead any documentary or oral evidence to prove their claim whereas the petitioner have lead the oral evidence. They have also filed the documentary proof. The respondents have no where denied and challenged the genuineness of the documentary proof lead by the petitioners. No doubt to prove a relationship of master and servant, the workmen are supposed to file the copy of muster role, I card, salary slip,

appointment order etc. but the labourers being the rustic person are not aware of their rights and moreover this record lies with the respondents. There is no denial that the unit of the respondent was working and it was being run by some workers. May not by the petitioner but some might be working there. Had the petitioners were not their workers, they must have submitted the list of other workers or their attendance but the same has not been done by the management. In the absence of any cogent proof/ evidence or rebuttal, I have no reason to disbelieve the averments made by the petitioners to their employment by the management of Respondent No. 1. Once it is proved that the petitioners were the workers of the management then next question comes for consideration, whether they have been terminated in accordance with law. The management has flatly refused to admit the employment of the petitioners. The genuineness and legality of the termination of the employees at the hands of the management has not been proved by the management. There is nothing on record to prove that the petitioners were terminated after adopting due course of law. As such it is held that the termination of the petitioners namely Gouri Shankar, Mohan Lal, Bodh Ram, Ramesh Lal, Charan Dass and Karnail Chand was illegal. Issue No. 1 is decided in favour of the petitioners and against the respondents.

Issue No. 2 :-

20. From the perusal of the record it reveals that the unit of the respondents was closed on 29-07-2008 and in this regard an agreement was executed between the management and the workers union and it was decided to pay notice pay of 90 days bonus for the year 2007, 2008 @ 10% retrenchment 9 days increment for the period 2007. Since the unit stands closed, so there is no scope for their reemployment. Therefore, the interest of justice would be sub-served if in the place of reinstatement with back wages, a lump-sum amount of rupees one lac is paid to each of the petitioners. Accordingly the each of the petitioners are held entitled to get rupees one lac as compensation from the respondents.

21. The reference is answered accordingly and the award is passed. Copy of this award be sent to the appropriate Government for further necessary action. File to go to record under rules.

Announced in open Court on 10-06-2014.

(Sd.) KISHORE KUMAR,
District and Sessions Judge,
Presiding Officer,
Industrial Tribunal/Labour Court,
J&K, Jammu.



THE

JAMMU & KASHMIR GOVERNMENT GAZETTE

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PART I-A

Jammu & Kashmir Government—Orders

HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR.

Notification

No. 480 Dated 04-09-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Bilal Ahmad Rather S/o Mr. Abdul Ahad Rather R/o Chanthan Check Porat, Tehsil Beerwah, Budgam has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-307/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry, unless the absolute final enrolment as an Advocate is ordered therefore.

Notification

No. 481 Dated 04-09-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Hilal Ahmad Mochi S/o Mr. Mohd. Kamal Mochi R/o Bugroo, Budgam, Tehsil Khansabih, Budgam has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-281/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 482 Dated 04-09-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Aamir Khan S/o Mr. Mohammad Akbar Khan R/o Hakeem Bagh, Rawalpura, Srinagar has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-310/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 483 Dated 04-09-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Mumtaz Ahmad S/o Mr. Mohd. Rafiq Beigh R/o Uri, Ward-09, Beigh Mohalla, Uri, District Baramulla has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-313/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 484 Dated 04-09-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Suhail Ishtiaq S/o Hakim Ishtiaq Hussain R/o Farhat Afza, 29, Gogji Bagh, Srinagar has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-280/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 485 Dated 04-09-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Yaser Latief S/o Mr. Abdul Latief R/o Budhal, Eid-gah Road, Tehsil Rajouri has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-337/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 486 Dated 01-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Syed Musaib S/o Syed Khurshid Ahmad R/o Nawab Bazar, Srinagar has been admitted and enrolled as an Advocate on the Roll of Jammu and

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Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-324/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 487 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Mohammad Imran Khan S/o Mr. Mohammad Maqbool Khan R/o Chonitpora, Verinag, Doru, Anantnag has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-309/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 488 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Parvaiz Ahmad Rather S/o Mr. Gh. Hassan Rather R/o Bamuradha, New Colony Khag, Budgam has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-306/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 489 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Ms. Sumaya Khaliq D/o Mr. Ab. Khaliq R/o Keller (Khan Mohalla), Shopian has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-328/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 490 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Ms. Roohi Sultan D/o Mr. Mohd. Sultan Mir R/o Kadalbal, Pampore, Pulwama has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-311/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 491 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Ms. Sonia Manhas D/o Mr. Pritam Singh R/o Bhalwal Malo, Akhnoor, Jammu has been admitted and enrolled as an Advocate on the Roll of

Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-308/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

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Notification

No. 492 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Ms. Areeb Zehra D/o Sheikh Mohammad Shafi R/o 27-Nabdipora, Hawal, Srinagar has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-305/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

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Notification

No. 493 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Ms. Mibha Malik D/o Mr. A. G. Malik R/o Langate, Handwara, Kupwara, A/P Paraypora, Bhagat Bismillah Colony, Srinagar has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-304/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license enrolment must be sought before the date of expiry unless the absolute final enrolment as an Advocate is ordered therebefore.

Notification

No. 494 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Shabir Ahmad S/o Mr. Mohd. Qasim Parey R/o Zoolhama, Chadoora, Budgam has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-303/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 495 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Shahbaz Majid S/o Mr. Abdul Majid R/o Mustafabad, Zainakote, Grinagar has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-325/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 496 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Nadeem Yousuf S/o Mr. Mohd. Yousuf Sheikh R/o Payir, Pulwama has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-326/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 497 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Mukesh Singh S/o Mr. Tara Singh R/o Marchangi, Khour, Akhnoor, Jammu has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-312/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 498 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Ravi Kumar Sharma S/o Mr. Prabh Dayal R/o Lower Chowadi, Talah Check, Jammu has been admitted and enrolled as an Advocate on the Roll

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of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-284/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 499 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Baba Shahir Ahmad S/o Mr. Gh. Ahmad Baba R/o Mala Bagh, Naseem Bagh, Srinagar has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-282/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 500 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Ab. Majeed Sofi S/o Mr. Mohd. Abdullah Sofi R/o Arampora, Tehsil and District Kupwara has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-329/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 501 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Hilal Ahmad Sheikh S/o Mr. Abdul Reheem Sheikh R/o New Colony Khag, District Budgam has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-320/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 502 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Marouf Khan S/o Mr. Abdul Ahad Khan R/o H. No. 149, Umer Colony, Lal Nagar, Chanpora, Srinagar has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-283/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 503 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Aditya Chopra S/o Mr. Kewal Krishan Chopra R/o H. No. 139, Mohalla Afghan, Jammu has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-334/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 504 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Tahier Mahamood Aftab S/o Mr. Freed-ul-Rehman R/o Village Shiendara, Mohalla Garan, Tehsil Haveli, District Poonch has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-333/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 505 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Kousar Aazam Sofi S/o Mr. Gulam Qadir Sofi R/o Charar-i-Sharief, Gulshanabad, District Budgam has been admitted and enrolled as an

Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-332/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 506 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Lone Altaf S/o Mr. Gh. Mohd. Lone R/o Kujar, Ganderbal, Mohalla Chanpora, Tehsil and District Ganderbal has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-331/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 507 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Noor-ul-Shahbaz S/o Mr. Mohd. Shahbaz R/o Pohrupeth, Handwara, Faqir Mohalla, Tehsil Handwara, District Kupwara has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-343/14 in the Roll of Advocates maintained by this Registry.

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The renewal/extension of provisional license enrolment must be sought before the date of expiry unless the absolute final enrolment as an Advocate is ordered therebefore.

Notification

No. 508 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Shabir Ahmad Mir S/o Mr. Abdul Ahad Mir R/o Shadipora, Sumbal, Sonawari, Bandipora has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-292/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license enrolment must be sought before the date of expiry unless the absolute final enrolment as an Advocate is ordered therebefore.

Notification

No. 509 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Vijay Kumar S/o Mr. Jameeta Ram R/o Village Hahtaryan No. 2, Udampur has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-289/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 510 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Musaver Ahmad Shah S/o Mr. Janbazzpora Muslimabad R/o Tehsil and District Baramulla has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-344/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 511 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Kuldeep Singh Chib S/o Mr. Swarn Singh Chib R/o Rakh Baran, P/O Kangrail, Jammu has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-279/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 512 Dated 13-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Mr. Vaibhav Sharma S/o Mr. Chander Kant Sharma R/o Near Pawan Talkies, Mohalla Vasek Dehra, Bhaderwah has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally

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for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-34/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 661 Dated 17-10-2014.

It is hereby notified that vide High Court Order dated 03-09-2014 Ms. Musarat-ul-Islam D/o Mr. Abdul Aziz Dar R/o Saïda Kadal-A, Srinagar has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-355/14 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 662 Dated 18-10-2014.

Provisional admission granted under Advocates Act, 1961 in favour of Ms. Rifat Jahan Shawl D/o Mr. Mohi-ud-Din Shawl R/o C/o Mr. Parvez Ahmad Ghani S/o Mr. Ab. Rashid Ghani, Bagh-e-Ali, Mardan, Nowshera, Srinagar vide Notification No. 675 dated 23-11-2009 for a period of one year has been extended till 23-11-2015.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

(Sd.) G. M. PARRAY,

Deputy Registrar (Adm.).



THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE

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Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART I-B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—GENERAL ADMINISTRATION
DEPARTMENT (Administration Section).

Subject :—Holding of General Election to the J&K Legislative Assembly,
2014—Declaration of Poll Days as Holidays.

Reference :—Letter No. 1703/CEO/Elec/Gen/2014/3583 dated 11-11-2014,
from the Office of Chief Electoral Officer, J&K.

Government Order No. 1167-GAD of 2014

Dated 17-11-2014.

In exercise of the powers conferred by the explanation to section 25 of the Negotiable Instruments Act, 1881 (Central Act 26 of 1881) read with Notification No. 20/25/56/pub-1st dated 30-11-1957 of the Ministry of Home Affairs, Government of India, it is hereby ordered that the following days

will be observed as public holiday in the districts shown against each, on account of General Elections to the J&K Legislative Assembly, 2014 :—

S. No.	Name of the District	Day/Phase	Date
(i)	Bandipora, Ganderbal, Leh, Kargil, Kishtwar, Doda and Ramban	Tuesday (Phase-I)	25-11-2014
(ii)	Reasi, Udhampur, Poonch, Kupwara and Kulgam	Tuesday (Phase-II)	02-12-2014
(iii)	Baramulla, Budgam and Pulwama	Tuesday (Phase-III)	09-12-2014
(iv)	Srinagar, Anantnag, Shopian and Samba	Sunday (Phase-IV)	14-12-2014
(v)	Kathua, Jammu and Rajouri	Saturday (Phase-V)	20-12-2014

By order of the Government of Jammu and Kashmir.

(Sd.) RAJESH SHARMA,

Additional Secretary to Government,
General Administration Department.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—GENERAL ADMINISTRATION
DEPARTMENT (Service).

Mr. Anshuman Singh
S/o Sh. Chander Mohan Singh
R/o W. No. 4, H. No. 57,
TPO Bishnah, Jammu

No. GAD(Ser) Genl/47/2010-II

Dated 26-11-2014.

Subject :—Show cause notice.

Whereas, pursuant to the recommendations of the J&K Public Service Commission vide No. PSC/Exam/CCSE/2005 dated 20-11-2008, among

others, you were appointed to the J&K CD&NES (G) Service [Rural Development (G) Service], vide Government Order No. 1592-GAD of 2008 dated 30-12-2008 ; and

Whereas, in terms of J&K Combined Competitive Services (Probation and Examination) Rules, 2000, Rule 21 (2) of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 and the aforementioned appointment order, you were placed on probation for a period of two years and required to pass the prescribed departmental examination during such period ; and

Whereas, while considering your suitability for the membership of the service, in terms of Rule 21 (2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956, it was observed that you have not passed the prescribed departmental examination within the prescribed time period of two years and even beyond that i. e. 04 years, as is required in terms of sub-rule (3) of Rule 16 of J&K Administrative Service Rules, 2008 notified vide SRO-386 dated 01-12-2008 ; and

Whereas, the matter was examined in the GAD and it was observed that in pursuance of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956, this action on your part for exhibiting lackadaisical attitude towards qualifying the departmental examination within the prescribed time lines makes you liable to be discharged from service without any further notice ; and

Whereas, before taking the action as warranted under rules, which may include discharge of your probationary services, it has been deemed appropriate on the 'Principal of Natural Justice' to seek your response and show cause as to why you should not be discharged from service for want of having cleared the prescribed departmental examination in terms of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956.

Now, therefore, through the medium of this notice, you are hereby advised to show cause as to why you should not be discharged from service for want of having cleared the prescribed departmental examination. Your reply should reach this office within a period of three weeks from the date of issuance of this notice.

(Sd.) DR. AMIR HUSSAIN,

Under Secretary to Government,
General Administration Department.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—GENERAL ADMINISTRATION
DEPARTMENT (Service).

Mr. Sunil Kumar Bhutyal
S/o Ravinder Kumar Bhutyal
R/o C/o Sandeep Gupta (Advocate),
H. No. 306, Krishna Vihar, Lane No. 7,
Janipur, Jammu

No. GAD(Ser) Genl/47/2010-II

Dated 26-11-2014.

Subject :—Show cause notice.

Whereas, pursuant to the recommendations of the J&K Public Service Commission vide No. PSC/Exam/CCSE/2005 dated 17-03-2008, among others, you were appointed to the J&K CD&NES (G) Service [Rural Development (G) Service], vide Government Order No. 429-GAD of 2008 dated 03-04-2008 ; and

Whereas, in terms of J&K Combined Competitive Services (Probation and Examination) Rules, 2000, Rule 21(2) of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 and the aforementioned appointment order, you were placed on probation for a period of two years and required to pass the prescribed departmental examination during such period ; and

Whereas, while considering your suitability for the membership of the service, in terms of Rule 21 (2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956, it was observed that you have not passed the prescribed departmental examination within the prescribed time period of two years and even beyond that i. e. 04 years, as is required in terms of sub-rule (3) of Rule 16 of J&K Administrative Service Rules, 2008 notified vide SRO-386 dated 01-12-2008 ; and

Whereas, the matter was examined in the GAD and it was observed that in pursuance of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956, this action on your part for exhibiting lackadaisical attitude towards qualifying the departmental examination within the prescribed time lines makes you liable to be discharged from service without any further notice ; and

Whereas, before taking the action as warranted under rules, which may include discharge of your probationary services, it has been deemed appropriate on the 'Principal of Natural Justice' to seek your response and show cause as to why you should not be discharged from service for want of having cleared the prescribed departmental examination in terms of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956.

Now, therefore, through the medium of this notice, you are hereby advised to show cause as to why you should not be discharged from service for want of having cleared the prescribed departmental examination. Your reply should reach this office within a period of three weeks from the date of issuance of this notice.

(Sd.) DR. AMIR HUSSAIN,

Under Secretary to Government,
General Administration Department.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—GENERAL ADMINISTRATION
DEPARTMENT (Service).

Mr. Rakesh Dubey
S/o Assa Nand Sharma
R/o Lower Chowadhi,
P/O Sainik Colony, Jammu

No. GAD(Ser) Genl/47/2010-II

Dated 26-11-2014.

Subject :—Show cause notice.

Whereas, pursuant to the recommendations of the J&K Public Service Commission vide No. PSC/Exam/CCSE/2005 dated 17-03-2008, among others, you were appointed to the J&K CD&NES (G) Service [Rural Development (G) Service], vide Government Order No. 429-GAD of 2008 dated 03-04-2008 ; and

Whereas, in terms of J&K Combined Competitive Services (Probation and Examination) Rules, 2000, Rule 21(2) of the Jammu and Kashmir Civil

Services (Classification, Control and Appeal) Rules, 1956 and the aforementioned appointment order, you were placed on probation for a period of two years and required to pass the prescribed departmental examination during such period ; and

Whereas, while considering your suitability for the membership of the service, in terms of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956, it was observed that you have not passed the prescribed departmental examination within the prescribed time period of two years and even beyond that i. e. 04 years, as is required in terms of sub-rule (3) of Rule 16 of J&K Administrative Service Rules, 2008 notified vide SRO-386 dated 01-12-2008 ; and

Whereas, the matter was examined in the GAD and it was observed that in pursuance of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956, this action on your part for exhibiting lackadaisical attitude towards qualifying the departmental examination within the prescribed time lines makes you liable to be discharged from service without any further notice ; and

Whereas, before taking the action as warranted under rules, which may include discharge of your probationary services, it has been deemed appropriate on the 'Principal of Natural Justice' to seek your response and show cause as to why you should not be discharged from service for want of having cleared the prescribed departmental examination in terms of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956.

Now, therefore, through the medium of this notice, you are hereby advised to show cause as to why you should not be discharged from service for want of having cleared the prescribed departmental examination. Your reply should reach this office within a period of three weeks from the date of issuance of this notice.

(Sd.) DR. AMIR HUSSAIN,

Under Secretary to Government,
General Administration Department.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—GENERAL ADMINISTRATION
DEPARTMENT (Service).

Mr. Anirudh Rai
S/o Parshotam Rai
R/o C/o R. K. Sharma,
H. No. 30, Sector 2,
Channi Himmat, Jammu

No. GAD(Ser) Genl/47/2010-II

Dated 26-11-2014.

Subject :—Show cause notice.

Whereas, pursuant to the recommendations of the J&K Public Service Commission vide No. PSC/Exam/CCSE/2005 dated 17-03-2008, among others, you were appointed to the J&K CD&NES (G) Service [Rural Development (G) Service], vide Government Order No. 429-GAD of 2008 dated 03-04-2008 ; and

Whereas, in terms of J&K Combined Competitive Services (Probation and Examination) Rules, 2000, Rule 21(2) of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 and the aforementioned appointment order, you were placed on probation for a period of two years and required to pass the prescribed departmental examination during such period ; and

Whereas, while considering your suitability for the membership of the service, in terms of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956, it was observed that you have not passed the prescribed departmental examination within the prescribed time period of two years and even beyond that i. e. 04 years, as is required in terms of sub-rule (3) of Rule 16 of J&K Administrative Service Rules, 2008 notified vide SRO-386 dated 01-12-2008 ; and

Whereas, the matter was examined in the GAD and it was observed that in pursuance of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956, this action on your part for exhibiting lackadaisical attitude towards qualifying the departmental examination within the prescribed time lines makes you liable to be discharged from service without any further notice ; and

Whereas, before taking the action as warranted under rules, which may include discharge of your probationary services, it has been deemed appropriate on the 'Principal of Natural Justice' to seek your response and show cause as to why you should not be discharged from service for want of having cleared the prescribed departmental examination in terms of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956.

Now, therefore, through the medium of this notice, you are hereby advised to show cause as to why you should not be discharged from service for want of having cleared the prescribed departmental examination. Your reply should reach this office within a period of three weeks from the date of issuance of this notice.

(Sd.) DR. AMIR HUSSAIN,

Under Secretary to Government,
General Administration Department.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—GENERAL ADMINISTRATION
DEPARTMENT (Service).

Mr. Deepak Dubey
S/o Ramesh Chander
R/o Ward No. 12, H. No. 14,
Arly Road, Katra, Jammu

No. GAD(Ser) Genl/47/2010-II

Dated 26-11-2014.

Subject :—Show cause notice.

Whereas, pursuant to the recommendations of the J&K Public Service Commission vide No. PSC/Exam/CCSE/2005. dated 17-03-2008, among others, you were appointed to the J&K CD&NES (G) Service [Rural Development (G) Service], vide Government Order No. 429-GAD of 2008 dated 03-04-2008 ; and

Whereas, in terms of J&K Combined Competitive Services (Probation and Examination) Rules, 2000, Rule 21(2) of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 and the

aforementioned appointment order, you were placed on probation for a period of two years and required to pass the prescribed departmental examination during such period ; and

Whereas, while considering your suitability for the membership of the service, in terms of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956, it was observed that you have not passed the prescribed departmental examination within the prescribed time period of two years and even beyond that i. e. 04 years, as is required in terms of sub-rule (3) of Rule 16 of J&K Administrative Service Rules, 2008 notified vide SRO-386 dated 01-12-2008 ; and

Whereas, the matter was examined in the GAD and it was observed that in pursuance of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956, this action on your part for exhibiting lackadaisical attitude towards qualifying the departmental examination within the prescribed time lines makes you liable to be discharged from service without any further notice ; and

Whereas, before taking the action as warranted under rules, which may include discharge of your probationary services, it has been deemed appropriate on the 'Principal of Natural Justice' to seek your response and show cause as to why you should not be discharged from service for want of having cleared the prescribed departmental examination in terms of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956.

Now, therefore, through the medium of this notice, you are hereby advised to show cause as to why you should not be discharged from service for want of having cleared the prescribed departmental examination. Your reply should reach this office within a period of three weeks from the date of issuance of this notice.

(Sd.) DR. AMIR HUSSAIN,

Under Secretary to Government,
General Administration Department.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—GENERAL ADMINISTRATION
DEPARTMENT (Service).

Mr. Pritam Lal
S/o Sh. Chuni Lal
C/o Smt. Raj Kumari
H. No. 94, Nai Basti, Bagh-e-Bahu,
Bahu Fort, Jammu

No. GAD(Ser) Genl/47/2010-II

Dated 26-11-2014.

Subject :—Show cause notice.

Whereas, pursuant to the recommendations of the J&K Public Service Commission vide No. PSC/Exam/CCSE/2005 dated 17-03-2008, among others, you were appointed to the J&K Information CD&NES (G) Service vide Government Order No. 1592-GAD of 2008 dated 30-12-2008 and subsequently vide Government Order No. 1590-GAD of 2008 dated 30-12-2008, your services were re-allotted to J&K Social Welfare (G) Service, on the recommendations of the J&K Public Service Commission vide No. PSC/Exam/CCSE/2005 dated 20-11-2008 ; and

Whereas, in terms of J&K Combined Competitive Services (Probation and Examination) Rules, 2000, Rule 21(2) of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 and the aforementioned appointment order, you were placed on probation for a period of two years and required to pass the prescribed departmental examination during such period ; and

Whereas, while considering your suitability for the membership of the service, in terms of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956, it was observed that you have not passed the prescribed departmental examination within the prescribed time period of two years and even beyond that i. e. 04 years, as is required in terms of sub-rule (3) of Rule 16 of J&K Administrative Service Rules, 2008 notified vide SRO-386 dated 01-12-2008 ; and

Whereas, the matter was examined in the GAD and it was observed that in pursuance of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956, this action on your part for exhibiting lackadaisical attitude towards qualifying the departmental examination within the prescribed time lines makes you liable to be discharged from service without any further notice ; and

Whereas, before taking the action as warranted under rules, which may include discharge of your probationary services, it has been deemed appropriate on the 'Principal of Natural Justice' to seek your response and show cause as to why you should not be discharged from service for want of having cleared the prescribed departmental examination in terms of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956.

Now, therefore, through the medium of this notice, you are hereby advised to show cause as to why you should not be discharged from service for want of having cleared the prescribed departmental examination. Your reply should reach this office within a period of three weeks from the date of issuance of this notice.

(Sd.) DR. AMIR HUSSAIN,

Under Secretary to Government,
General Administration Department.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—GENERAL ADMINISTRATION
DEPARTMENT (Service).

Mr. Rigzin Spalgon
S/o Tsering Namgial
District Social Welfare Officer,
Leh.

No. GAD(Ser) Genl/47/2010-II

Dated 26-11-2014.

Subject :—Show cause notice.

Whereas, pursuant to the recommendations of the J&K Public Service Commission vide No. PSC/Exam/CCSE/2005 dated 17-03-2008, among others, you were appointed to the J&K Accounts (G) Service vide Government Order No. 1592-GAD of 2008 dated 30-12-2008 and subsequently vide Government Order No. 1592-GAD of 2008 dated 30-12-2008, your services were re-allotted to J&K Social Welfare (G) Service, on the recommendations of the J&K Public Service Commission vide No. PSC/Exam/CCSE/2005 dated 20-11-2008 ; and

Whereas, in terms of J&K Combined Competitive Services (Probation and Examination) Rules, 2000, Rule 21(2) of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 and the

aforementioned appointment order, you were placed on probation for a period of two years and required to pass the prescribed departmental examination during such period ; and

Whereas, while considering your suitability for the membership of the service, in terms of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956, it was observed that you have not passed the prescribed departmental examination within the prescribed time period of two years and even beyond that i. e. 04 years, as is required in terms of sub-rule (3) of Rule 16 of J&K Administrative Service Rules, 2008 notified vide SRO-386 dated 01-12-2008 ; and

Whereas, the matter was examined in the GAD and it was observed that in pursuance of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956, this action on your part for exhibiting lackadaisical attitude towards qualifying the departmental examination within the prescribed time lines makes you liable to be discharged from service without any further notice ; and

Whereas, before taking the action as warranted under rules, which may include discharge of your probationary services, it has been deemed appropriate on the 'Principal of Natural Justice' to seek your response and show cause as to why you should not be discharged from service for want of having cleared the prescribed departmental examination in terms of Rule 21(2) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956.

Now, therefore, through the medium of this notice, you are hereby advised to show cause as to why you should not be discharged from service for want of having cleared the prescribed departmental examination. Your reply should reach this office within a period of three weeks from the date of issuance of this notice.

(Sd.) DR. AMIR HUSSAIN,

Under Secretary to Government,
General Administration Department.



THE

JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 127] Jammu, Thu., the 25th Dec., 2014 4th Pausa, 1936. [No. 39

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART II—A

Orders by Heads of Departments.

CHARGE REPORT

In pursuance of Government Order No. 218-FSI of 2014 dated 09-07-2014, we the undersigned do hereby have handed over and taken over the charge of Divisional Forest Officer, Rajouri today on 14-07-2014.

We do hereby certify that the following cheque books stands handed over and taken over :-

CAMPA A/c No. CD 16377/SG	227198 to 227200 Used
(Gujjar Mandi Branch)	002251 to 002300 Used
	002301 to 002350 Used

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	036201 to 036206 Used
	036207 to 036300 Unused
FDA-Bamboo Mission	12631337 to 12631350 Used
A/c No. 11073 (Gujjar	003901 to 003907 Used
Mandi Branch)	003908 to 003950 Unused
Green India Mission	008081 to 008083 Used
A/c No. 16427/SG	008084 to 008100 Unused
(Gujjar Mandi Branch)	
Eco Tourism Society (DKG)	32647001 Used
A/c No. 0259040500016507	32647002 to 32647050 Unused
Treasury Cheque Books	089201 to 089284 Used
No. 07715	089285 to 089300 Unused
CD 5097 Main Branch, Rajouri	000876 to 000879 Used
	000880 to 000900 Unused
CD A/c No. 731	32485283 to 32485300 Used
J&K Bank, Main Branch, Rajouri	088001 to 088011 Used
	088012 to 088100 Unused

The following articles are handed over to my successor Shri Ram Rattan Sharma, DFO,

1. Form-I
2. Laptop (Dell)
3. Neccon 510 Camera, Video Camera
4. GPS.

(Sd.) DR. K. ANANDIL, I.T.S.

Relieved Officer.

(Sd.) RAM RATTAN SHARMA.

Relieving Officer.



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Jammu, Thu., the 25th Dec., 2014/4th Pausa, 1936. [No. 39

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PART II—B

Notifications, Notices and Orders by the Heads of the Departments.

**OFFICE OF THE COLLECTOR, LAND ACQUISITION,
SUB-DIVISIONAL MAGISTRATE, AKHNOOR.**

Notification

The case has been entrusted to this Collectorate by the District Collector, (DC), Jammu vide his letter No. DCJ/LHS/BSF/ACQ/135Feet/AKH/CP-967/13 dated 28-04-2014 for disposal under the Land Acquisition Act, St. 1990 for acquisition of land measuring 46 Kanals 09 Marlas situated at Village Chak Phagwari, Tehsil Akhnoor.

In exercise of the powers vested upon me under sub-section (1) of section 4 of the J&K Land Acquisition Act, Svt. 1990, I, Girish Dayalan, IAS, Collector, Land Acquisition, Sub-Divisional Magistrate, Akhnoor hereby notify the land particulars which are given below is needed for defence purposes, i. e. for construction of Border Fencing (135 Feet wide strip), Village Chak Phagwari, Tehsil Akhnoor, District Jammu.

Any objection with regard to acquisition of said land will be received by the undersigned within 15 days from the date of issue of this notification.

Particulars				
District	Tehsil	Village	Khasra No.	Area
1	2	3	4	5
				K. M.
Jammu	Akhnoor	Chak Phagwari	45m	01-10
			46m	00-01
			47m	01-05
			48m	03-11
			50m	02-08
			51m	00-08
			52m	02-10
			53m	03-02
			54m	01-07
			55m	00-09
			157m	01-17
			158m	01-03
			56m	01-15
			159m	05-04

1	2	3	4	5
				K. M.
Jammu	Akhnoor	Chak Phagwari	160m	04 04
			207m	00 17
			208m	06-09
			209m	00-02
			210m	02-08
			211m	01-13
			212m	04-06
			Total :	46-09

(Sd.) GIRISH DAYALAN, IAS.

Collector, Land Acquisition.
SDM, Akhnoor.

OFFICE OF THE COLLECTOR, LAND ACQUISITION,
SUB-DIVISIONAL MAGISTRATE, AKHNOOR.

Notification

The case has been entrusted to this Collectorate by the District Collector, (DC), Jammu vide his letter No. DCJ/LHS/BSF/ACQ/135Feet/AKH/CP-967/13 dated 28-04-2014 for disposal under the Land Acquisition Act, St. 1990 for acquisition of land measuring 239 Kanals 09 Marlas situated at Village Pargwal, Tehsil Akhnoor.

In exercise of the powers vested upon me under sub-section (1) of section 4 of the J&K Land Acquisition Act, Svt. 1990, I, Girish Dayalan, IAS, Collector, Land Acquisition, Sub-Divisional

Magistrate, Akhnoor hereby notify the land particulars which are given below is needed for defence purposes, i. e. for construction of Border Fencing (135 Feet wide strip), Village Pargwal, Tehsil Akhnoor, District Jammu.

Any objection with regard to acquisition of said land will be received by the undersigned within 15 days from the date of issue of this notification.

District	Tehsil	Particulars			Area
		Village	Khasra No.		
1	2	3	4		5
					K. M.
Jammu	Akhnoor	Pargwal	486 min		13-01
			487 min		02-16
			573 min		04-03
			2783 min		01-03
			2784 min		08-08
			2785 min		03-09
			2788 min		00-13
			2789 min		06-19
			2790 min		06-11
			2791 min		00-07
			2792 min		04-08
			2793 min		00-04

1	2	3	4	5
				K. M.
Jammu	Akhnoor	Pargwal	2796 min	05-05
			2798 min	10-13
			2799 min	05-09
			2801 min	04-15
			2803 min	00-02
			2804 min	04-18
			2805 min	03 13
			2806 min	03-04
			2807 min	05-01
			2808 min	06-04
			2795 min	00-16
			2809 min	01-16
			2810 min	01-10
			2811 min	04-10
			2812 min	11-02
			2826 min	05-19
			2827 min	03-01
			2828 min	05-00

1	2	3	4	5
Jammu	Akhnoor	Pargwal		K. M.
			2838 min	11-02
			2839 min	00-13
			2840 min	05-19
			2841 min	02-11
			2844	00-15
			2845 min	02-17
			2846 min	00-05
			2850 min	04-04
			2851 min	02-09
			2852 min	00-02
			2853 min	00-04
			2854 min	06-18
			2860 min	02-16
			2861 min	01-19
			2863 min	00-08
			2864 min	10-11
			2865 min	03-06
			2866 min	01-03
			2873 min	00-08

1	2	3	4	5
				K. M.
Jammu	Akhnoor	Pargwal	2934 min	01-11
			2935 min	03-17
			2945 min	02-01
			2946 min	02-12
			2949 min	00-12
			2950 min	03-18
			2951 min	03-18
			Total :	239-09

(Sd.) GIRISH DAYALAN, IAS.

Collector, Land Acquisition,
SDM, Akhnoor.

Notice

I, Ashish Tikoo, S/o Shri Ashok Kumar Tikku, R/o Roop Nagar Enclave have applied for correction in surname from "Tikoo" to "Tikku" in 10th Class C. B. S. E. Board Certificate and other related documents. Objection, if any, may be communicated to the Principal, K. V. Bantalab, Jammu.

Ashish Tikku,
S/o Shri Ashok Kumar Tikku,
R/o Roop Nagar Enclave, Jammu.

OFFICE OF THE WILDLIFE WARDEN JAMMU.

Show Cause Notice

Show Cause Notice issued under sub-section (1) of section 53-A of the Jammu and Kashmir Wildlife Act, 1978 (amended up to 2002).

To,

The Administrator,
Municipality, Jammu.

Whereas, the undersigned is of the opinion on the grounds specified below, that you are in unauthorized occupation of the demarcated forest which is part of the Ramnagar Wildlife Sanctuary vide Government Order No. FST/20 of 1981 dated 04-02-1981 and that you should be evicted from the land.

Grounds

The Jammu Municipality is in illegal possession of forest land comprising Khasra No. 644/10 Min. of Village Jammu Khass. Tehsil and District Jammu, which is demarcated forest and part of Ramnagar Wildlife Sanctuary declared as wildlife sanctuary vide Government Order No. FST/20 of 1981 dated 04-02-1981. The place of illegal possession is locally known as Manda. Where you have established manual construction of tiles, drainage channels and other cement structures/works at the said land, which is hazardous and detrimental to the wildlife with ecological point of view. The said area is situated in the demarcated forest near Boundary pillars No. 37, 38, 39 and 40 which exist on spot.

Schedule

Now, therefore, in pursuance of sub-section (1) of sections 53-A of the Jammu and Kashmir Wildlife Act, 1978 (amended up to 2002). I hereby call upon you to vacate the wildlife area encroachment which is part of

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notified Ramnagar Wildlife Sanctuary and show cause yourself on or before 28-06-2014 as to why such order of eviction should not be passed against you.

(Sd.).....

Dy. Conservator of Forests/
Wildlife Warden Jammu.

OFFICE OF THE COLLECTOR, LAND ACQUISITION,
(ASSISTANT COMMISSIONER REVENUE)
KARGIL.

Notice

In exercise of the power conferred by section 4(1) of the Jammu and Kashmir Land Acquisition Act, Samvat 1990, I, Mohammad Syed Khan, Collector, Land Acquisition, Assistant Commissioner, Revenue, Kargil do hereby notify the land, the particulars of which are given below is likely to be needed for public purpose namely for construction of Tourist Dak Bungalow at Village Darchicks.

Objections, if any, of the interested persons or any person with regard to the acquisition of below mentioned land can be filed in the office of the undersigned within (15) days of issuance of notice.

Particulars				
District	Tehsil	Village	Khasra No.	Area
Kargil	Kargil	Darchicks		K. M.
			42 min	00-19
			973 min	00-06
			Total :	01-05

(Sd.) MOHAMMED SAYED KHAN, KAS,

Collector, Land Acquisition,
Assistant Commissioner (Revenue),
Kargil.

**OFFICE OF THE COLLECTOR, LAND ACQUISITION,
(ASSISTANT COMMISSIONER REVENUE)
UDHAMPUR.**

Notification under sections 9 & 9A of the J&K Land Acquisition Act-X of 1990 BK.

Whereas, the land whose specifications is given below is required for public purpose namely for construction of road from "Gandala Road RD 2/450 to Jakhar (Upper)" under PMGSY Phase-VII at Village Jakhar Sundli, Tehsil and District Udhampur through Executive Engineer, PMGSY Division Udhampur-I, Udhampur vide No. PMGSY/Div./Udh.-I/2431-33 dated 02-12-2009 as notified by the Divisional Commissioner, Jammu vide notification No. 18 Divcom of 2014 dated 11-06-2014 and endorsement No. 502/2267/Acq./Jakhar-Sundli/PMGSY/Udr./14/538-45 dated 11-06-2014 and its possession likely to be taken over.

Therefore, the owners/interested persons and the indenting department is hereby called upon to attend this office either in person or through an authorized agent within 15 days from the date of publication of this notice to state the nature of their respective interest in the land, amount and particulars of their claims to compensation for such interest and their objections, if any, to the measurement of land.

Specification of land

District	Tehsil	Village	Khasra No.	Area
1	2	3	4	5
				K. M. S.
Udhampur	Udhampur	Jakhar Sundli	10 min	02-05-00
			11 min	00-00-04
			14 min	00-09-00
			20 min	01-03-00

1	2	3	4	5
				K. M. S.
Udhampur	Udhampur	Jakhar Sundli	26 min	00 14 00
			27 min	01 07 00
			48 min	00 02 00
			49 min	00 00 04
			63 min	01 07 00
			64 min	00 15 00
			65 min	00 10 00
			69 min	01 10 00
			70 min	01 06 00
			73 min	00 07 00
			74 min	00 02 00
			80 min	00 11 00
			102 min	00 11 00
			103 min	01 14 00

1	2	3	4	5
				K. M. S.
Udhampur	Udhampur	Jakhar Sundli	107 min	01-14-00
			107 min	00-07-00
			109 min	01-02-00
			132 min	00-04-00
			136 min	01-17-00
			149 min	03-00-00
			150 min	01-11-00
			152 min	00-00-05
			199 min	00-01-00
			200 min	00-14-00
			202 min	08-13-00
			203 min	00-08-00
			206 min	02-18-00
			207 min	00-07-00

1	2	3	4	5
				K. M. S.
Udhampur	Udhampur	Jakhar Sundli	208 min	00-03-00
			213 min	01-07-00
			216 min	00-00-03
			217 min	00-01-05
			250 min	00-09-00
			258 min	01-04-00
			260 min	00-16-00
			289 min	00-11-00
			290 min	00-05-00
			292 min	00-03-00
			293 min	02-07-00
			298 min	01-19-00
			299 min	00-03-00

1	2	3	4	5
Udhampur	Udhampur	Jakhar Sundli	300 min	K. M. S. 00 16-00
			309 min	00-01-00
			310 min	06 11 00
			351 min	02 15-00
			363 min	00 12 00
			365 min	07 11-00
			Total :	65 08 03

(Sd.) NAGENDRA SINGH JAMWAL, KAS,

Collector, Land Acquisition,
Assistant Commissioner (Revenue),
Udhampur.

Correction

I have applied for the correction of my name and father's name which have been wrongly written as Randhir Singh Manhas S/o Nasib Singh Manhas instead of Randhir Singh S/o Nasib Singh in 10th Class Marks Card of CBSE bearing Roll No. 2239310 Session 2011-12. Objections, if any, may be conveyed to the concerned authority within one week.

OFFICE OF THE ASSISTANT COMMISSIONER REVENUE.
NANDNI HILLS, SAMBA.

Notification

Subject :-- Notification under section 4 (1) of Land Acquisition Act, 1990 Svt. as amended up to date, for acquisition of land in Villages Ramnagar and Rehiyan, Tehsil and District Samba.

In exercise of the powers conferred in me under sub-section (1) of section 4 of the Land Acquisition Act 1990, I, M. Y. Malik, KAS, Assistant Commissioner (Revenue), Samba, with the power of Collector, Land Acquisition, Samba, do hereby notify that the land whose particulars are given below is required for defence purpose for construction of approach road to CRPF camp in Villages Ramnagar and Rehiyan, Tehsil and District Samba.

Any objection with regard to the acquisition of said land can file the objection in this office within 15 days from the date of issuance of this notification.

Specification of the land

District	Tehsil	Village	Khasra No.	Area
1	2	3	4	5
Samba	Samba	Ramnagar	206 min	K. M. 00-02
			257 min	03-06
			259 min	00-07

1	2	3	4	5
				K. M.
Samba	Samba	Ramnagar	266 min	01-07
			267 min	02-03
			269 min	00-15
		Total Village Ramnagar :		08-00
		Rehiyan	406 min :	00-18
			Total :	08-18

(Sd.) M. Y. MALIK, KAS.

Assistant Commissioner (Revenue),
Collector, Land Acquisition,
Samba.

OFFICE OF THE COLLECTOR, LAND ACQUISITION,
(ASSISTANT COMMISSIONER REVENUE)
UDHAMPUR.

Notification under section 4 (1) of Jammu and Kashmir Land Acquisition Act No. X of 1990 BK.

In exercise of the powers conferred upon me under section 4(1) of the Jammu and Kashmir Land Acquisition Act, 1990, I, Nagendra Singh Jamwal, KAS, Collector, Land Acquisition (Assistant Commissioner, Revenue), Udhampur do hereby notify the land, particulars of which shown below, measuring 19 Kanals 01 Marla in Village Ballion, Tehsil and District Udhampur, is likely to be needed for public purpose namely for construction

of road from "Upper Battal Ballian to Nainsoo" under PMGSY Phase-VII through Executive Engineer, PMGSY Division Udhampur vide No. PMGSY/Div/Udh-I/2316-18 dated 26-11-2009.

Objections, if any, to the acquisition of the said land will be received by undersigned within 15 days from the date of publication of this notification in Government Gazette.

Specification of land

District	Tehsil	Village	Khasra No.	Area
1	2	3	4	5
				K. M.
Udhampur	Udhampur	Ballian	203 min	00-14
			204 min	00-15
			206 min	00-05
			208 min	00-04
			210 min	01-10
			218 min	00-09
			219 min	00-19
			221 min	00-16
			222 min	01-06
			224 min	00-01
			225 min	01-18

1	2	3	4	5
				K. M.
Udhampur	Udhampur	Ballian	227 min	00 -16
			239 min	00 05
			241 min	00 -05
			257 min	01 03
			258 min	01 -06
			261 min	00 02
			262 min	01 06
			263 min	00 08
			264 min	01 13
			264 min	02 -05
			264 min	00 -08
			282 min	00 07
			Total :	19-01

(Sd.) NAGENDRA SINGH JAMWAL, KAS.

Collector, Land Acquisition,
Assistant Commissioner (Revenue),
Udhampur.

OFFICE OF THE DEPUTY COMMISSIONER,
SHOPIAN.

Notification under section 4 (1) of J&K Land Acquisition Act, 1990.

Subject :—Acquisition of land for construction of Approach-Road to Mini-Secretariat, at Village Arhama-Shopian.

The Chief Planning Officer, Shopian, vide his No. DDCS/MS/14/1504, dated 09-07-2014 placed an indent, for acquisition of land for construction of Approach-Road to Mini-Secretariat, Shopian, at Village Arhama-Shopian. Accordingly the Tehsildar Shopian was directed to prepare the Shajra Khasra and other allied revenue papers. The Tehsildar Shopian has furnished the Shajra Khasra duly authenticated by the indenting department. In exercise of powers vested in me, under section 4(1) of Land Acquisition Act, 1990, I, Parvez Sajad Ganie, (KAS), Collector, Land Acquisition, Assistant Commissioner (Rev.), Shopian, do hereby notify the land, particulars of which are given below, for its acquisition for the public purpose namely construction of Approach-Road to Mini-Secretariat, Shopian, at Village Arhama-Shopian. All concerned persons, interested in the land under acquisition, may file their objections, if any, to the said acquisition before the undersigned within a period of 15 days from the date of issuance of this notification.

Specification of land

District	Tehsil	Village	Khasra No.	Area
				K. M. S.
Shopian	Shopian	Arhama	44	00-10-00
			39	00-08-00
			41	00-04-04
			Total :	01-02-04

(Sd.) PARVEZ SAJAD GANAIE, KAS,

Collector, Land Acquisition,
Shopian.

OFFICE OF THE DEPUTY CUSTODIAN EVACUEE PROPERTY,
BARAMULLA.

Notification

Dated 03-07-2014.

In pursuance of sub-section (1) of section 6 and section 9-A of the Jammu and Kashmir State Evacuee's Administration of Property Act, 2006), the Custodian is pleased to notify for general information the list of property specified in the schedule :—

Schedule

S. No.	Description	Locality
1.	Tinroofed residential house comprising 4 rooms, Bathroom and corridor plinth area 31'x34' on Survey No. 917/85	Uranbova Chandanwari Tehsil Boniyar
2.	Three Shops under RCC Slab having Plinth area 31'x14'-9" on Survey No. 87 belonging to Noor Mohammad Sudan S/o Shahwali Sudan illegally constructed by Umar Khan S/o Yakoob Khan R/o Uranbova Chandanwari, Tehsil Boniyar.	

(Sd.)

Deputy Custodian,
Evacuee Property,
Baramulla.



THE JAMMU AND KASHMIR GOVERNMENT GAZETTE

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Separate paging is given to this part in order that it may be filed as a separate compilation.

ADVERTISEMENTS-C

POLICE TRANSPORT WORKSHOP, JAMMU.

NIT No. 02 of 2014

Dated 09-12-2014.

1. Sealed tenders are invited from the Registered and Reputed Dealers of J&K State dealing for supply of below mentioned non-standard items exhibiting therein terms and conditions respectively to the Police Transport Workshop, Jammu of Police Department for fabrication of Troop Carrier 407 into Canteen Vans :—

S. No.	Description	At the rate of per Kg/Per Ltr/Sqft/Per No.
1	2	3
1.	M. S. Angle 1"	Per Kg.
2.	M. S. Angle 1½"	Per Kg.

1	2	3
3.	M. S. Flate 1½"	Per Kg.
4.	M. S. Flate 1"	Per Kg.
5.	M. S. Wiremesh 1¼"X1¼"	Per Sq. Feet (with sample)
6.	M. S. Sheet 18g 4'X8"	Per Sheet
7.	M. S. Sheet 18g 3'X8"	Per Sheet
8.	M. S. Nut and Bolt 1"X2½"	Per Kg.
9.	Door Lock Heavy Duty Bus Type	Per No. (with sample)
10.	Door Handle with Key Bus Type	Per No. (with sample)
11.	Welding rod 10 No. (Make Advani/Handaz)	Per No. (with sample)
12.	Dent Seal (make Bombay Masala)	Per Kg. (with sample)
13.	Aluminium Sheet 4'x8'x18g	Per Sheet
14.	Drill bit 1¼" (Taparia)	Per No.
15.	Aluminium Press Revits	Per Kg.
16.	Hinges heavy duty bus type	Per No. (with sample)
17.	Hinges heavy duty bus type 4"	Per No. (with sample)

1	2	3
18.	Plastic water tank 500 ltrs. (Make Sintex)	Per tank
19.	Ice box	Per No.
20.	Marble piece 1½'x4'	Per No. (with sample)
21.	Hand Wash Basen (Make Hindware)	Per No.
22.	G. I. Pipe ½"	Per length
23.	G. I. Elbo ½"	Per No.
24.	Socket ½"	Per No.
25.	Nipple ½"x3"	Per No.
26.	Nipple 6"	Per No.
27.	Gate Ball ½" (heavy)	Per No.
28.	Nipple 2"	Per No.
29.	Tap (Nalka) ½"	Per No.
30.	Sutter	Per Pkt.
31.	Safadda	Per 250 gms.
32.	Reducer ½"x¾"	Per No.

1	2	3
33.	Union ½"	Per No.
34.	Hecksaw Blade	Per No.
35.	Water Paper No. 150	Per No.
36.	Red Primer (Make Adison/ICI)	Per ltr.
37.	Blue Paint (Make Adison/ICI)	Per ltr.
38.	Black Paint (Make Adison/ICI)	Per 1.5 ltrs.
39.	White Paint (Make Adison/ICI)	Per 1.5 ltrs.
40.	Yellow Paint (Make Adison/ICI)	Per 200 gms.
41.	Putty (make Adison/ICI)	Per Kg.
42.	Thinner (make Adison/ICI)	Per ltr.
43.	T. P. Oil	Per ltr.
44.	Clear Varnish (Make Adison/ICI)	Per ½ ltr.
45.	Paper Tape	Per roll
46.	Chain Iron	Per feet (per kg.)

2. The tender offers along with specifications with samples/rates should reach this office on or before 24-12-2014 up to 1400 hours. Tender received after expiry of prescribed date and time quoted above will not be considered.

3. The tender should be double enveloped, properly sealed and addressed to Sr. Superintendent of Police, Police Transport Workshop, Channi Himmat Armed Complex, Jammu.

4. The tender may be sent by registered post or delivered personally in the Office of Sr. Superintendent of Police, Police Transport workshop, Channi Himmat, Jammu.

5. The tenders will be opened on 26-12-2014 at 1200 hours in presence of Intending Tenderers or their authorized representative who may like to attend the tender proceedings.

6. In case of unforeseen circumstances the last date of receipt and opening of tender will be next working day.

7. The rates quoted for each item should be mentioned both in figures and words should be inclusive of all taxes etc.

8. The tenderer should mention full particulars and address of its Show Room in tender offer enabling this office to conduct verification if found necessary.

9. The tenderer should quote its Registration No. with date for CST/ GST and TIN No. detail with a clearance certificate of sale tax of the previous year along with the tender offer.

10. No telegraphic or conditional tender offer shall be considered.

11. The successful tenderer shall have to supply the items as and when Workshop, Jammu within two days from the receipt of supply orders otherwise strict action under rule should be taken against the defaulters.

12. The successful tenderer shall have to enter into an agreement and contract shall remain valid for financial year.

13. Rates offered without providing samples in cases where it has been mentioned in specifications will not be considered.

(Sd.) RANJIT SINGH SAMBYAL, KPS,

Sr. Superintendent of Police,
Police Transport Workshop,
Jammu.

**OFFICE OF THE SUPERINTENDING ENGINEER,
ELECTRIC PURCHASE CIRCLE-IIIND, BEMINA,
SRINAGAR.**

Cancellation Notice

The below mentioned NIT floated vide this office letter No. SE/EPC-II/334-36 dated 17-06-2014 is hereby cancelled. This is as per the decisions of Purchase Committee-I, meeting of which was held on 20-10-2014.

NIT No.	Description of Material
EPC-II/05/2014-15	Purchase of 10 MVA, 33/11KV, 50Hz, Three Phase, Copper Wound Power Transformers with on Load Tap Changer.

(Sd.)

Superintending Engineer,
Electric Purchase Circle-IIInd,
Srinagar.

مقدمہ مندرجہ عنوان اُلصدر میں ملزم متذکرہ صدر عرصہ دراز سے غیر حاضر چلا آ رہا ہے، اُس کو بار بار بطریق معمول طلب کیا گیا ہے، الا تا ہنوز دستیاب نہ ہوا، تعمیل کنندہ نے اپنے رپورٹ میں تحریری طور اظہار کیا کہ ملزم مذکورہ کا کوئی اتہ پتہ نہ ہے اور اُسکی دستیابی بطریق معمول ناممکن ہے۔ فاضل پی پی نے بھی اپنے بیان میں سر اجلاس اظہار کیا کہ ملزم مفرد ہے۔ اس طور عدالت ہذا کو اطمینان ہوا ہے کہ واقعی ملزم مذکور کی بطریق معمول طلب کرنا ناممکن ہے۔

لہذا حکم ہوا کہ ملزم متذکرہ صدر اندر حدود ریاست جموں و کشمیر جہاں کہیں بھی دستیاب ہو اُسے گرفتار کر کے عدالت ہذا میں پیش کریں۔ درج رہے کہ وارنٹ ہذا تا دستیابی ملزم زیر کار رہے گی۔ تحریر اُلصدر

دستخط : سیکنڈ ایڈیشنل منصف جوڈیشل مجسٹریٹ درجہ اول سرینگر۔



حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان الصدر میں آپ کو حکم و اختیار دیا جاتا ہے کہ آپ ملزم متذکرہ بالا کو جب کبھی اور جہاں کہیں اندر حدود ریاست جموں و کشمیر دستیاب ہو گو گرفتار کر کے عدالت مجاز میں پیش کریں۔ وارنٹ گشتی تا دستیابی ملزم زیر کار رہے گا۔
وارنٹ ہذا آج مورخہ 25-08-2014 کے بعد دستخط راقم و مہر عدالت ہذا سے جاری ہوا۔

دستخط : سب جج ایڈیشنل مجسٹریٹ درجہ اول جموں۔

از عدالت سیکنڈ ایڈیشنل جوڈیشل مجسٹریٹ درجہ اول سرینگر



سرکار بنام جہانگیر اشرف میر ولد محمد اشرف میر ساکنہ سُنہ رسی کالونی بمنہ

علت نمبر 26 سال 2013ء تھانہ پولیس و احترام باغ

بجرائم زیر دفعات : 498-A, 406, 109 RPC

وارنٹ گرفتاری عام : زیر دفعہ 512 ض ف

مقدمہ مندرجہ عنوان اُلصدر میں ملزم متذکرہ صدر کے خلاف بروئے حکم امر وزہ کارروائی زیر دفعہ 512 ض ف عمل میں لائی جا چکی ہے اور ملزم کے خلاف وارنٹ جاری کرنے کا حکم ہوا ہے، جو کہ جاری کیا جاتا ہے۔

لہذا آپ کو اصل وارنٹ گشتی گرفتاری عام زیر دفعہ 512 ض ف کی رو سے حکم و اختیار دیا جاتا ہے کہ اگر ملزم مذکور متذکرہ صدر اندر حدود ریاست جموں و کشمیر جب کبھی اور جہاں کہیں بھی دستیاب ہو تو اس کے تحت ضابطہ گرفتار کر کے عدالت ہذا میں پیش کیا جائے۔ وارنٹ ہذا دستاویزی ملزم زیر کار رہے گا۔

تحریر 03-09-2014

دستخط: تھرڈ ایڈیشنل منصف جوڈیشل مجسٹریٹ درجہ اول جموں۔

از عدالت سب جج جوڈیشل مجسٹریٹ درجہ اول جموں

سرکار بنام انوپ کمار

مثل نمبر 51 / چالان، دائرہ 22-05-2009، فیصلہ 25-08-2014

علقہ نمبر 43 سال 2007ء تھانہ پولیس سٹی

جرم زیر دفعہ 408 RPC

وارنٹ گشتی بمنشاء دفعہ 512 ض ف

بخلاف ملزم: انوپ کمار ولد بودھراج ساکنہ پلاٹ نمبر 8 جانی پور کالونی جموں۔

کارروائی زیر دفعہ 512 ض ف عمل میں لائی جا چکی ہے اور ملزم کے خلاف وارنٹ جاری کرنے کا حکم ہوا ہے، جو کہ جاری کیا جاتا ہے۔

لہذا آپ کو اصل وارنٹ گشتی گرفتاری عام زیر دفعہ 512 ض ف کی رو سے حکم اختیار دیا جاتا ہے کہ اگر ملزم مذکور متذکرہ صدر اندر حدود ریاست جموں و کشمیر جب کبھی اور جہاں کہیں بھی دستیاب ہو تو اس کے تحت ضابطہ گرفتار کر کے عدالت ہذا میں پیش کیا جائے۔ وارنٹ ہذا دستیابی ملزم زیر کار رہے گا۔

تحریر 03-09-2014

سرکار بنام ونود ڈوگرہ

مثل نمبر 189/چالان، تاریخ دائرہ 28-02-2012 تاریخ فیصلہ رواں

علت نمبر 177 سال 2011ء تھانہ پولیس پکہ ڈنگہ

بجرائم زیر دفعات 279,337,338 RPC

وارنٹ گشتی گرفتاری عام زیر دفعہ 512 ض ف

بخلاف ملزم : Vinod Dogra S/o Late Rattan lal R/o 146 kali Jani, Jammu.

حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر

216۔ جموں و کشمیر گورنمنٹ گزٹ نمبر 39 مورخہ 25 دسمبر 2014ء بمطابق 04 اپریل 1936۔ ضمیمہ ج

حدود ریاست جموں و کشمیر دستیاب ہو کر گرفتار کر کے روبرو عدالت ہذا پیش کریں۔ وارنٹ ہذا تادستیابی ملزم زیر کار رہے گا۔ اس نسبت تاکید جانو۔ ہمارے دستخط و مہر عدالت سے جاری ہوا۔

آج بتاریخ 25-08-2014

دستخط: ایڈیشنل سپیشل موبائل مجسٹریٹ ہانڈی پورہ۔

تھرڈ ایڈیشنل منصف جوڈیشل مجسٹریٹ درجہ اول جموں

سرکار بنام گوپال سنگھ

مثل نمبر 143/چالان، تاریخ دائرہ 12-03-2005، تاریخ فیصلہ رواں

علت نمبر 172 سال 2003ء تھانہ پولیس پکھ ڈنگہ

جرم زیر دفعہ 379 RPC

وارنٹ گشتی گرفتاری عام زیر دفعہ 512 ضف

مخلاف ملزم : Gopal Singh @ Bunty S/o Malab Singh R/o Chatha

Gujran A/P Tenant New Plot, Jammu.

حکم بنام: اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان الصدر میں ملزم متذکرہ صدر کے خلاف بروئے حکم امروزہ

زیر دفعہ 512 ض ف جاری کرے۔ اہلکاران پولیس ریاست جموں و کشمیر کو ہدایت کی جاتی ہے کہ وہ ملزم مذکور کو جہاں کہیں بھی دستیاب ہو، گرفتار کر کے عدالت ہذا میں پیش کرے۔ وارنٹ گشتی ہذا تا دستیابی ملزم زیر کار رہے گا۔

تحریر 11-08-2014

دستخط : منصف جوڈیشل مجسٹریٹ درجہ اول تھنہ منڈی۔

از عدالت ایڈیشنل سپیشل موبائل مجسٹریٹ بانڈی پورہ

سرکار بنام ریاض احمد چچی ولد غلام محی الدین ساکنہ آ رہ گام (ملزم)

علت نمبر 02 سال 2014ء تھانہ پولیس آ رہ گام بانڈی پورہ

بجرائم زیر دفعات RPC 457/380

وارنٹ گشتی زیر دفعہ 512 ض ف

بخلاف ملزم : ریاض احمد چچی ولد غلام محی الدین چچی ساکنہ آ رہ گام بانڈی پورہ (ملزم)

حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان بالا ملزم مذکور عرصہ دراز سے دستیاب نہ ہو رہا ہے۔

لہذا آپ کو بذریعہ وارنٹ ہذا حکم و اختیار دیا جاتا ہے کہ ملزم جہاں کہیں بھی اندر

حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان اُلصدر میں ملزم مذکور بعد ارتکاب جرم حاضر عدالت ہذا ہو کر اب محررہ 08-05-2013 سے مقدمہ ہذا میں مسلسل غیر حاضر چلا آ رہا ہے، اس نسبت ملزم مذکور کے خلاف بار بار وارنٹ گرفتاری بلا ضمانت جاری کئے گئے، الا ملزم مذکور کی گرفتاری عمل میں نہ لائی گئی، اس نسبت تعمیل کنندہ کے بیانات قلمبند کئے گئے۔ تعمیل کنندہ نے اپنے بیان قلمبند کرواتے ہوئے تحریر کروایا کہ ملزم مذکور کی تلاش علاقہ وہ و ملحقہ علاقہ جات میں کی گئی، الا ملزم مذکور کہیں دستیاب نہ ہوا، تعمیل کنندہ نے تحریر کروایا کہ اس نے ملزم مذکور کی نسبت مفرین علاقہ و دیگر اشخاص و افراد کنبہ سے بھی دریافت بعمل لائی، بعد دریافت عیاں ہوا کہ ملزم مذکور عرصہ دراز سے سلسلہ مزدوری بیرون ملک سعودی عرب گیا ہوا ہے۔ جسکی جلد دستیابی کی کوئی اُمید نہ ہے۔ اس نسبت سینئر پی او عدالت ہذا نے بھی اظہار کیا کہ ملزم مذکور کی گرفتاری بطریق معمول عمل میں نہ لائی جاسکتی ہے اور استدعا کی کہ ملزم مذکور کے خلاف کارروائی بمنشاء دفعہ 512 ض ف عمل میں لائی جائے۔

لہذا راقم کو اطمینان ہوا کہ ملزم مذکور کی گرفتاری بطریق معمول عمل میں نہ لائی جاسکتی ہے، سرشتہ کو ہدایت کی جاتی ہے کہ وہ ملزم مذکور کے خلاف وارنٹ گشتی



رجسٹرڈ نمبر جے کے۔ 33

جموں و کشمیر گورنمنٹ گزٹ

جلد نمبر 127۔ جوں۔ مورخہ 25 دسمبر 2014ء، بمطابق 04 پوسا 1936 ویروار۔ نمبر 39

اشتہارات

از عدالت منصف جوڈیشل مجسٹریٹ درجہ اول تھنہ منڈی

سرکار بنام محمد اکرم

بمقدمہ علت نمبر 108 سال 2013ء، تھانہ پولیس تھنہ منڈی

بجرائم زیر دفعات 451,324,323 RPC

وارنٹ گشتی بمشاء دفعہ 512 ض ف

بخلاف ملزم: محمد اکرم ولد ابراہیم قوم ٹھکر ساکنہ درراسن بالا تحصیل تھنہ منڈی۔